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Consideration of reports submitted by States parties under article 40 of the Covenant

Initial reports of States parties due in 2001

Ghana*

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I. General introduction and country information

A. Demographic, economic, social and cultural characteristics of Ghana

1. Ghana is a developing country that gained independence from British colonial rule on 6th March 1957 and became a Republic on 12th July 1960. Ghana is situated on the West African coast and is bordered on the east by Togo, on the north and northwest by Burkina Faso, on the west by Côte d'Ivoire and on the South by the Gulf of Guinea with a coastline extending 560 kilometres. Ghana's current population stands at 24,658,823 (about 25 million) people. The country records an annual population growth rate of 2.2 per cent. Persons below 15 years represent 38.3 per cent of the total population and persons aged 65 years and above represent 4.7 per cent of the population. The country is rich in natural resources notably gold, cocoa, timber, diamond, bauxite and manganese which form the main source of international/foreign earnings. Ghana's external trade is dominated by export of primary commodities particularly gold and cocoa accounting for 62 per cent of total export earnings in 2012.

2. In recent times, the country's economy has transformed from an agriculture-led economy (accounts for 30 per cent of gross domestic product (GDP)) to a service-led economy (accounts for 51 per cent of GDP). With a per capita GDP of US$1,465.11, Ghana acquired a middle-income status, in 2011. The country recorded an average GDP growth rate of 8.4 per cent over the period 2007–2011, with the highest GDP rate of 14.4 per cent recorded in 2011. According to the National Development Planning Commission (NDPC), although Ghana's population living below the poverty line has declined, poverty still remains an important challenge. Presently, Ghana is among the world's oil producing countries having started drilling oil in mid-December 2010.

Social and cultural characteristics

3. Ghana has about one hundred linguistic and cultural groups each characterised by peculiar cultural values and traditions. The ethnic groups in Ghana include the Akans, Ewes, Mole–Dangme, Guan and Ga-Adangme. No part of Ghana, however, is ethnically homogeneous. Urban centers are the most ethnically mixed because of migration to towns and cities by those in search of employment. Rural areas, with the exception of cocoa-producing areas that have attracted migrant labor, tend to reflect more traditional population distributions.

4. The tables below provide information about the manner demographic and ethnic characteristics of Ghana and its population.

Social, economic and cultural indicators

Year	*Neonatal mortality rate (per 1000 live births (lb))*	*Infant Mortality Rate (per 1000 lb)*	*Under five mortality rate (per 1000 lb)*	*Maternal Mortality rate (per 100,000 lb)*	*HIV Rate of Infection (%)*	*Contraceptive prevalence (%)*	*Underweight for children under five (%)*	*Institutional maternal mortality rate per 100,000 lb*	*Total Fertility rate for women aged 15-49*
2013					1.2			155	
2012					1.3			152	
2011					1.7	23 (MICs)	13.4 (MICs)		
2010				350 (WHO Estimate)	1.7				

Year	Neonatal mortality rate (per 1000 live births (lb))	Infant Mortality Rate (per 1000 lb)	Under five mortality rate (per 1000 lb)	Maternal Mortality rate (per 100,000 lb)	HIV Rate of Infection (%)	Contraceptive prevalence (%)	Underweight for children under five (%)	Institutional maternal mortality rate per 100,000 lb	Total Fertility rate for women aged 15-49
2009					2.1				
2008	30 (DHS)	50 (DHS)	80 (DHS)		1.9	17	14 (DHS)		4.0
2007				450 (Survey)					4.4
2003	43 (DHS)	64 (DHS)	111 (DHS)				18 (DHS)		4.4
1998	30 (DHS)	57 (DHS)	108 (DHS)				20 (DHS)		5.2
1993	41 (DHS)	66 (DHS)	119 (DHS)						6.4
1987	-	77 (DHS)	155 (DHS)				23 (DHS)		

MICs – Multiple Indicator Cluster Survey.
DHS – Demographic Health Survey.

Social and demographic data from 2010 Population and Housing Census

Source: 2010 Population and Housing Census.	Ghana
Population size:	
Total	24,658,823
Male	12,024,845
Female	12,633,978
Urban	12,545,229
Rural	12,113,594
Intercensal Growth Rate (%)	2.5
Average Household Size	4.4
Population Density (persons per sq. Km)	103.4
Proportion of population urban areas (%)	50.9
Proportion of population rural areas (%)	49.1
Literacy rates (%): Population 15 years and older	
Total	73.5
Male	78.4
Female	65.3
Urban	82.4
Rural	58.7
Literacy rates (%): Population 15 years and older	
Total	76.4
Male	80.2
Female	68.5
Urban	84.1
Rural	62.8
Major ethnic groups: (%)	
Akan	47.5
Ga-Dangme	7.4

Ewe	13.9
Guan	3.7
Gurma	5.7
Mole-Dagbani	16.6
Grusi	2.5
Mande	1.1
Other	1.4
Population by religious affiliation:	
No religion	1,302,077
Catholic	3,230,996
Protestants	4,534,178
Pentecostal/Charismatic	6,980,792
Other Christians	2,800,871
Islam	4,195,014
Ahmadi	150,709
Traditionalist	1,270,272
Other	193,914
Household Structure:(%)	
Total Households	5,467,136
Head only	17.6
Head and a spouse only	3.8
Nuclear (Head spouse(s) children)	24.5
Extended (Head, spouse(s), children, Head's relatives)	14.0
Extended + nonrelatives	0.9
Head, spouse(s) and other composition	3.0
Single parent Nuclear	12.9
Single parent Extended	11.0
Single parent Extended + non relative	0.8
Head and other composition but no spouse	11.6
Unemployment rate among population 15 years and older (%):	
Total	5.3
Male	4.8
Female	5.8
Urban	7.4
Rural	3.1
Age specific fertility rates: (%)	
15-19	0.03
20-24	0.10
25-29	0.15
30-34	0.15
35-39	0.12
40-44	0.07

45-49	0.03
TFR (Total Fertility Rate)	3.28
GFR (General Fertility Rate)	96.60
CBR (Crude Birth Rate)	25.30
Life Expectancy at birth: (%)	**Male**
Procedure 1	66.6
Procedure 2	68.5
Procedure 3	61.5
Procedure 4	60.7
Procedure: Q-Five	60.2
UN (2010 Estimate)	61.8
Dependency Ratio (%)	75.6
Population less than 15 + 65 yrs and older	10,617,930
Population 15-64 years	14,040,893
Age Composition:	**Number**
Less than 1	731,201
1 - 4	2,674,205
5 - 9	3,128,952
10 - 14	2,916,040
15 - 19	2,609,989
20 - 24	2,323,491
25 - 29	2,050,111
30 - 34	1,678,809
35 - 39	1,421,403
40 - 44	1,186,350
45 - 49	938,098
50 - 54	833,098
55 - 59	523,695
60 - 64	475,849
65 - 69	293,871
70 - 74	351,330
75 - 79	205,953
80 - 84	159,084
85 - 89	83,070
90 - 94	51,081
95 +	23,143
Dependent Population:	
(Less than15 & 65+)	10,617,930
Population (15+)	15,208,425
Population (18+): Population eligible to vote	13,632,299

Source: Ghana Living Standards Survey, 2012-13 (GLSS 2012/13)	
Proportion of population below the national poverty line (Incidence of poverty)	**24.2**
Source: Multiple Indicators Cluster Survey, 2011	
Prevalence of underweight children under five years of age:	
Total	13.4
Urban	10.5
Rural	15.5
Source: Nation Development Planning Commission, 2012	
Proportion of Seats held by Women in National Parliament	**10.5**
Source: Education Management Information System, GES 2013	
Net enrolment ratio in primary:	
Total	89.3
Male	89.6
Female	88.9
Net enrolment ratio in junior high school (JHS):	
Total	49.2
Male	49.5
Female	48.8
Source: Ghana Statistical Service, CPI release 2005-2013	
Annual Inflation Rate (%):	
2005	15.5
2006	11.7
2007	10.7
2008	16.5
2009	19.3
2010	10.8
2011	8.7
2012	9.2
2013	11.6

Top diagnosis at time of death

Year	*Top diagnoses at time of death*	*Number*
2012		
	Total malaria	925
	Total stroke	504
	Total anaemia	504

Year	*Top diagnoses at time of death*	*Number*
	Hypertension	435
2013		
	Total malaria	925
	Total anaemia	739
	Total stroke	504
	Hypertension	670
2014		
	Total malaria	925
	Total anaemia	598
	Hypertension	476
	Total stroke	504

Cultural policy

5. The cultural diversities in Ghana recognize culture as a vital tool for national integration and development. In Chapter 6 of the 1992 Constitution under the heading "the directive principles of State Policy", Article 39 states that:

> "The State shall take steps to encourage the integration of appropriate customary values into the fabric of national life through formal and informal education and the conscious introduction of cultural dimensions to relevant aspects of national planning. The State shall ensure that appropriate customary and cultural values are adapted and developed as an integral part of the growing needs of the society as a whole; and in particular that traditional practices which are injurious to the health and well-being of the person are abolished. The State shall foster the development of Ghanaian languages and pride in Ghanaian culture. The State shall endeavour to preserve and protect places of historical interest and artefacts."

6. In the Cultural Policy of Ghana, published in 2004 by the National Commission on Culture and approved by the Ghana Government, three main objectives are set out: Firstly, to document and promote Ghana's traditional cultural values such as those enshrined in concepts of human dignity, attitudes to nature and the environment, law and order, honesty and truthfulness, unity and peace, self-reliance and dignity of labour, family, community and national solidarity.

7. Secondly, to ensure the growth and development of our cultural institutions and make them relevant to human development, democratic governance and national integration.

8. Thirdly, to enhance Ghanaian cultural life and develop cultural programmes to contribute to the nation's human development and material progress through heritage preservation, conservation, promotion and the use of traditional and modern arts and crafts to create wealth and alleviate poverty.

9. For purposes of implementing the National cultural policy, the National Commission on Culture has set out a Strategic plan which recognizes all Civil Society groups, Business and Corporate Organizations as Stakeholders in the nation's cultural heritage and seeks their participation in the implementation of policies and programmes.

10. Among the list of stakeholders, prominence is given to the Houses of Chiefs regarded as having a key role in the task of heritage preservation and cultural transformation. Other stakeholders are the District Assemblies, Religious Bodies,

Educational Institutions, Social groups, Voluntary Associations, Artistic groups and associations, Non-Governmental Organisations, as well as the Media agencies and Institutions.

Chieftaincy

11. The 1992 Constitution (Article 270) guarantees the institution of chieftaincy together with its traditional councils as established by customary law and usage, but Article 276 prohibits chiefs from taking part in party politics. Any chief wishing to do so, and seeking election to Parliament must abdicate his stool or skin.

12. The National Cultural Policy regards Chieftaincy as "the Kingpin of Ghanaian traditional culture", "an anchor of cultural life in all communities and in the nation as a whole".

13. Chiefs are patrons of the traditional arts, crafts, festivals, folklore, languages and literature, customary law, traditional customs and usages. They provide vital leadership at the local level and superintend the task of transmitting oral tradition.

Kente Industry and Art

14. Kente cloth is an African silk fabric that is usually to be worn on important occasions. Derived from the Ashanti word "kenten", which means basket, kente cloth features a woven look that includes an array of patterns and color, including geometric shapes and designs that are large and eye catching and a texture that is both rich and comfortable.

15. The Asante and Ewe ethnic groups are the main producers of kente textiles in Ghana. Among both ethnic groups the tradition dates back some 300 years. In Asante, the major centre of production is Bonwire where there are over 800 houses with some 2000 weavers. Bonwire weavers have a repertoire of over 1000 kente designs and motifs most of them identifiable by their generic or specific names. Bonwire Kente is patronized by many foreign embassies in Ghana although some 50% of the Bonwire products are purchased by African Americans.

B. Constitutional, political and legal structure of Ghana

16. Ghana is a sovereign, democratic and relatively peaceful country. It is a unitary state with a unicameral legislature. The country has witnessed a deepened democratic process and maintenance of peace and security for the past two decades.

17. Ghana has ten administrative regions, sub-divided into 170 District Assemblies and 37 sub-metropolitan areas. All regions are under the central government and no regional institution possesses any legislative authority.

18. The Constitution establishes a presidential system, with a President who comes with a Vice-President and who must be designated as such by the candidate for the office of President before the election. To qualify for election as President, the individual must be a citizen of Ghana by birth and must have attained the age of forty years. The President holds office for a term of four years but may hold office as President for only two terms. He or she could be removed by the process of impeachment.

19. The executive authority of Ghana vests in the President and can be exercised by him directly or through officers subordinate to him.

20. The 1992 Constitution mandates the President to appoint Ministers of State only with the prior approval of Parliament. The President may appoint such number of Ministers

of State as he deems fit, from both within and outside of Parliament, but subject to the proviso that the majority of Ministers of State shall be appointed from among members of Parliament. Ministers picked from within Parliament retain their seats in Parliament, while those from outside can sit in Parliament, but do not possess a vote on matters under discussion therein.

Cabinet

21. The Constitution makes provision for a Cabinet made up of the President, the Vice-President, and not less than ten and not more than nineteen Ministers of State. The President decides which Minister gets a seat in the Cabinet. Certain key Ministers, like the Minister for Finance, the Attorney General and Minister for Justice, the Minister for Interior, the Minister for Defence and the Minister for Foreign Affairs are usually included. The Cabinet assists the President in the determination of general policy of the government. Nonetheless, the final executive authority resides with the President.

The Council of State

22. The 1992 Constitution makes provision for a Council of State, a small body of prominent citizens of proven character which advises the President on national issues.

23. The Council of State is made up of nominated and elected members. One representative from each of the Regions of Ghana is elected by an electoral college from within the Region. There are also eleven other members appointed by the President. The other category of members who are appointed by the President, in consultation with Parliament, are one former Chief Justice, one former Chief of Defence Staff of the Armed Forces of Ghana, and a former Inspector-General of Police. They hold office until the end of the term of office of the President. The Council of State holds its meetings in camera, but may admit the public whenever it considers it appropriate.

24. The Council of State has the function to consider and advise the President or any other authority in respect of any appointment which is required by the Constitution or any other law to be made in accordance with the advice of or in consultation with the Council of State. Another important function of the Council of State is that upon a request by the President, it may consider a bill that has been published in the Gazette or passed by Parliament. This function is not a legislative function; it is merely advisory. The Council of State is therefore not a legislative organ elected by popular vote.

The legislature

25. The Parliament of Ghana is vested with the legislative power of Ghana. It is to be made up of not less than 140 elected members and has a life span of four years. Parliament is presided over by a Speaker and needs a quorum of one-third of all of its members to be properly constituted. It works through committees whose mandates include the investigation and inquiry into the activities and administration of ministries and departments.

26. In the exercise of its legislative powers, Parliament has no power to pass any law that seeks to alter the decisions or judgment of any court as between the parties subject to that decision or judgment. It is also prohibited from making any retroactive legislation except in respect of certain matters relating to the consolidated fund and public debt.

The judiciary

27. The judicial power of Ghana is vested in the judiciary and accordingly, neither the President nor Parliament shall have final judicial power. It is headed by the Chief Justice and consists of the Superior Courts and the lower courts. The Superior Courts comprise the

Supreme Court, the Court of Appeal and the High Court, and Regional Tribunals. The lower courts comprise the Circuit Court, District Convicts and Community Tribunals.

28. The Constitution guarantees the judicial, administrative, and financial independence of the judiciary. Article 127(1) provides that in the exercise of the judicial power of Ghana, the Judiciary, in both its judicial and administrative functions, including financial administration, is subject only to this Constitution and shall not be subject to the control or direction of any person or authority.

29. For the purposes of clause (1) of Article 127, financial administration includes the operation of banking facilities by the judiciary without the interference of any person or authority, other than for the purposes of audit by the Auditor-General of the funds voted by Parliament or charged on the Consolidated Fund by this Constitution or any other law, for the purposes of defraying the expenses of the judiciary in respect of which the funds were voted or charged.

30. The tenure of judges is guaranteed; the mode of removal of judges is entrenched in the Constitution. In the case of *Agyei Twum v Attorney-General & Akwetey*, the Supreme Court of Ghana took the opportunity to strengthen the protective structure by implying the need for the establishment of a prima facie ground for the removal of a judge before the requisite committee is charged with the duty of investigation into the allegations.

Number of recognized political parties at the national level	23
Proportion of population eligible to vote	56.6%
Number of complaints on the conduct of parliamentary elections registered	17
Number of complaints on the conduct of the presidential elections	1
Party	Seats
NPP	123
NDC	147
CPP	1
PNC	1
Independent candidate	3

Average backlog of cases

Court	*No. of Judges*
Supreme Court	12
Court of Appeal	23
High Court	101
Circuit Court	58
Professional magistrates	50
Career magistrates	121

Number of prosecutors

State Attorneys	183
Police prosecutors	268

The buffer institutions

31. A number of institutions have been provided for by the Constitution to counteract the perceived extensive powers of the President. These include an independent Electoral Commission, the National Commission for Civic Education (NCCE), and the Commission on Human Rights and Administrative Justice (CHRAJ).

Customary law

32. The 1992 Constitution lists the rules of customary law including those determined by the Superior Court of Judicature as part of the laws of Ghana. Customary law has been defined as the rules of law which by custom are applicable to particular communities in Ghana. Customary law is now a question of law to be determined by the courts. In Muslim communities, the reference to customary law is a reference to Islamic law or the Sharia.

33. Customary law is not codified. However under the Ghana Chieftaincy law, the National House of Chiefs and/or a Regional House of Chiefs, can draft their declaration of customary law for approval and publication as a legislative instrument by the President after consultation with the Chief Justice.

Common law in Ghana

34. The 1992 Constitution identifies the common law as a source of law in Ghana. The common law is defined to include the rules generally known as the common law, the rules generally known as the doctrines of equity and the rules of customary law including those determined by the Superior Court of Judicature. The Rules Generally Known as Common Law is a reference to the judge-made law that propelled the English legal system and those of its colonies. In the context of Ghana's legal history, even present-day British decisions on issues unaffected by statute may be cited, at least, as persuasive authority.

35. For some time, even outmoded British statutes which were part of the received law as "Statutes of general application" as of July 24th, 1874, under the erstwhile Supreme Court Ordinance of 1876 were applicable in Ghana. In 1982, by Section 61 of P.N.D.C. Law 42, the revolutionary government clearly modified the force of colonial legislation as follows:

> "Notwithstanding the provisions of any enactment, all laws in existence before the coming into force of the Proclamation, especially where they are derived from foreign sources, shall only be in operation to the extent that they are compatible with national aspirations."

36. The "Rules Generally Known as Equity" are also used in Ghana and refer to the English doctrines of equity as they have evolved in England and Ghana.

Recognition of non-governmental organisations in Ghana

37. In Ghana Non-Governmental Organisations are required by law to register with the Registrar General's Department. There is no minimum equity investment required but there is the need to show some form of sponsorship as to how you will meet the expenses of the NGO, the salaries of its employees and the funds for your various projects.

38. Registration is done both through the Registrar-General's office and then through the NGO office in Ghana. An annual submission must be made to verify compliance with stated goals and objectives.

39. NGOs also need to register at the Department of Social Welfare to gain recognition by Government. They must satisfy the following conditions:

(a) Must be voluntary, independent and not-for-profit; working to improve circumstances and prospects of disadvantaged people who are unable to realize their potential or achieve their full rights in society;

(b) Though independent of government control, must operate within the confines of the framework of National Development Policy and Fundamental Liberties in the Laws of Ghana;

(c) Must not be used to shield private for-profit enterprise(s);

(d) Must state their objectives clearly and concisely;

(e) Must state the manner in which they are governed, in a constitution or by-law or memorandum according to the law under which NGOs are incorporated, that is, The Companies Code, Act 179 of 1963;

(f) Must provide a general account of the organization's work method, activities and scope (that is, Local, National, or International) and links to other organizations;

(g) Must provide a statement of sources of income and fields of expenditure;

(h) Must be managed and controlled by their members;

(i) Must submit annual reports by March of every year to the Department of Social Welfare. A format for the annual report is as follows:

- NGOs need to renew their status every year;
- General framework for the protection and promotion of human rights in Ghana

C. Acceptance of international human rights norms

40. The table below indicates the acceptance by Ghana of international human rights norms.

International human rights convention	*Status of ratification*	*Other UN Human Rights treaties*	*Relevant international conventions*	*Ratification of regional human rights convention*
ICESCR	Ratified 8 Sept. 1966	Rome Statute of the International Criminal Court		
ICCPR	Ratified 7 Sept. 2000	Convention on the Prevention and Punishment of the Crime of Genocide, 1948		
ICERD	Ratified 2 Jan. 1986	Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1949		
CEDAW	Ratified 2 Jan. 1986	United Nations Convention against Transnational Organized Crime, 2000, and its protocols against the smuggling of migrants by land, sea and air and to prevent, suppress and punish trafficking in persons, especially women and children		
CAT	Ratified 7 Sept. 2000			

International human rights convention	*Status of ratification*	*Other UN Human Rights treaties*	*Relevant international conventions*	*Ratification of regional human rights convention*
CRC	Ratified 5 Feb. 1990			
ICRMW	Ratified 7 Sept. 2000			
Optional protocol to CRC on the involvement of children in armed conflict	Signed 24 Sept. 2003			
Optional protocol to CRC on the sale of children, child prostitution and child pornography	Signed 24th Sept. 2003			
Optional protocol to ICCPR	Date of acceptance 7 Sept. 2000			
Second optional protocol to ICCPR, aiming at the abolition of the death penalty	Not signed Not ratified			
Optional Protocol to CEDAW	Date of acceptance 3 Feb. 2011			
Optional Protocol to CAT 2002				

D. Legal framework for the protection of human rights at the national level

41. It has become the practice since the 1969 Constitution to enshrine fundamental human rights and freedoms into the Constitutions of Ghana. Chapter Five of the 1992 Constitution provides for a large body of fundamental human rights and freedoms referred to in the various international human rights instruments. These cover a medley of civil, political, economic, and cultural rights, spread over eighteen articles, as follows: protection of the right to life (Article 13), protection of personal liberty (Article 14), respect for human dignity (Article 15), protection from slavery and forced labour (Article 15), equality and freedom from discrimination (Article 17), protection of privacy of home and other property (Article 18), fair trial (Article 19), protection from deprivation of property (Article 20), general fundamental freedoms, including freedom of speech and assembly, etc. (Article 21), property rights of spouses (Article 22), administrative justice (Article 23), economic rights (Article 24), educational rights (Article 25), cultural rights and practices (Article 26), women's rights (Article 27), children's rights (Article 28), rights of disabled persons (Article 29), and rights of the sick (Article 30).

Provision for derogations

42. Provision has however been made for some derogations, restrictions or limitations. The right to life is guaranteed, but the death penalty may be exacted in the exercise of the execution of a sentence of a court in respect of a criminal offence under the laws of Ghana of which the offender has been convicted. The death penalty is therefore still on the statute books of Ghana. There is however a moratorium on the death penalty and there are in practice no executions.

Personal liberty

43. The abuse of personal liberties during the First Republican period and under the various military regimes has been well documented. During the period of the First Republic, for instance, the Preventive Detention Act of 1958, was passed to confer authority on the Executive to arrest and detain any individual without trial for up to five years, subject to renewal.

44. The history of abuse of this fundamental right experienced in Ghana mainly as a result of several years of military rule compelled an extensive and explicit itemization in the 1992 Constitution of specific reasons that would justify the deprivation of personal liberty under any circumstance.

45. The specific reasons for which the personal liberty of an individual could be derogated from are:

(a) Upon a court order in respect of conviction for a criminal offence;

(b) For punishment for contempt of court;

(c) In respect of a bench warrant;

(d) For the treatment of a person suffering from an infectious or contagious disease, a person of unsound mind, a drug or alcohol addict, or a vagrant;

(e) For the education of a person under the age of eighteen years;

(f) For the prevention of entry by unlawful immigrants into the country or for effecting expulsion or for extradition; and

(g) Upon reasonable suspicion of having committed or being about to commit a criminal offence.

46. Any arrest for a reason other than any of these would be unconstitutional. Article 14 also mandates access of a detainee to his or her lawyer (Article 14(2)) and also release on bail within 48 hours, unless further detention is authorized by a court of law (Article 14(3)). Any unlawful arrest or detention entitles the aggrieved person to compensation from the person who committed the unlawful detention (Article 14(5)).

Freedom of assembly

47. The right to freedom of assembly as guaranteed in the 1992 Constitution represents a dramatic improvement in the entrenchment of the democratic process in Ghana. The right to freedom of assembly is explained to include freedom to take part in processions and demonstrations. The impact of this provision became the subject matter of the decision in the case *N.P.P v I.G.P* in which the Supreme Court declared the Public Order Decree, 1972, NRCD 68 — which mandated a permit from the police for assembly and demonstrations — as unconstitutional.

48. The consequence was the promulgation of the Public Order Act, 1994, Act 491, which now requires any person or group of persons to inform the police of the intention to assemble or to undertake a peaceful procession. If for any reason the police cannot guarantee security for the event, they can request the organizers to change the venue or route of the programme, or even to postpone it. If the organizers refuse to heed the request of the police, then the latter can apply to the court for an order to restrain the organisers.

49. The Public Order Act therefore regularises the exercise of the freedom of assembly and demonstration by subjecting the police powers to the overriding authority of the court in the final decision whether or not to permit the planned assembly or demonstration.

Property rights of spouses

50. The Constitution mandates Parliament, as soon as practicable after the coming into force of the Constitution, to enact legislation to regulate the property rights of spouses. To achieve this constitutional requirement the legislation would be expected to ensure that:

(a) Spouses shall have equal access to property jointly acquired during marriage; and

(b) Assets which are jointly acquired during marriage shall be distributed equitably between the spouses upon dissolution of the marriage.

51. It took nearly two decades before a bill was formulated for Parliament to consider.

52. Meanwhile, the Supreme Court, in a recent decision, took the bold step ahead of Parliament and held that upon the dissolution of a marriage each spouse is entitled to a fifty per cent share of the property jointly acquired during the marriage.

The non-exclusion article

53. In addition to the various specific fundamental human rights and freedoms categorized in the Constitution, there is the omnibus provision in Article 33, which reads as follows:

> "(5) The rights, duties, declarations and guarantees relating to the fundamental human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned which are considered to be inherent in a democracy and intended to secure the freedom and dignity of man."

54. This provision is obviously intended to avoid a fossilization of the rights guaranteed, by leaving it open to the courts of Ghana to incorporate right and duties that have attained international recognition. A relevant case on this provision is *Adjei-Ampofo v Attorney General*, in which it was explained that this Article clearly speaks of rights, duties, declarations and guarantees relating to fundamental human rights and freedoms specifically mentioned in this Chapter shall not be regarded as excluding others not specifically mentioned. The reference to others referred to in article 33(5) can only be those rights and freedoms that have crystallized into widely or greatly accepted rights, duties, declarations and guarantees through treaties, conventions, international or regional accords, norms and usages.

55. Again, in the case of *Ghana Lotto Operators Association & Others v National Lottery Authority*, Justice Date-Bah observed in relation to Article 33(5) that evidence of such rights can be obtained either from the provisions of international human rights instruments (and practice under them) or from the national human rights legislation and practice of other states.

56. For the effective protection of the fundamental human rights and freedoms in Chapter Five, Article 33 specifically guarantees access to the High Court for judicial protection from abuse. According to Article 33(1), where a person alleges that a provision of this Constitution on the fundamental human rights and freedoms has been, or is being or is likely to be contravened in relation to him, then, without prejudice to any other action that is lawfully available that person may apply to the High Court for redress.

57. Particular note may need to be taken of the qualification that the infraction is in relation to him. This imports the need to show "interest" to qualify for a hearing in the Court. In the case of *Sam (No. 2) v Attorney General, 2* it was held that the words "in relation him" and "that person" imply that a plaintiff must have personal interest in the litigation. Therefore, it is only when a person seeks the enforcement of his fundamental human rights and freedom that he ought to have "personal interest" in the case, and this

would invariably also mean that there must have arisen a controversy or a dispute concerning an infringement or intended infringement of the plaintiff's rights which he seeks to enforce through the High Court.

The human rights jurisdiction of the High Court and the Supreme Court

58. Another matter that needs to be mentioned in respect of the enforcement of the fundamental human rights and freedoms is the nature of the jurisdiction of the High Court and the Supreme Court in matters relating to the fundamental human rights and freedoms; according to Article 33(1), a person aggrieved in respect of an abuse or likely abuse of his fundamental rights may apply to the High Court for redress. The mandate of the High Court to exercise original jurisdiction in matters relating to the fundamental human rights and freedoms is clear from this provision. It is when we bring in the provisions of Article 130(1) (a) that the question of whether both the High Court and the Supreme Court can exercise original jurisdiction in matters relating to the fundamental human rights and freedoms becomes an issue. The said Article 130(1)(a) provides that

> "(1) Subject to the jurisdiction of the High Court in the enforcement of the Fundamental Human Rights and Freedoms as provided in article 33 of this Constitution, the Supreme Court shall have exclusive original jurisdiction in –
>
> (a) all matters relating to the enforcement or interpretation of this Constitution".

59. In the case of *Edusei (No. 2) v Attorney-General*, the Supreme Court refused a call on it to enforce the fundamental rights and freedoms as a court of first instance. The Court read Articles 33(1) and 130(1)(a) together with Article 140(2), which provides that [t]he High Court shall have jurisdiction to enforce the Fundamental Human Rights and Freedoms guaranteed by this Constitution and came to the conclusion that the Supreme Court does not possess concurrent original jurisdiction with the High Court in matters relating to human rights abuses. All suits relating to the enforcement of fundamental human rights and freedoms must commence in the High Court.

Freedom and independence of the media

60. Article 21(1)(a) guarantees the right to freedom of speech and expression, which includes freedom of the press and other media. Due to the importance accorded to freedom and independence of the media in the working of the democratic system, the whole of Chapter Twelve is dedicated to the freedom and independence of the media. Of particular interest is Article 162(3), which prohibits impediments to the establishment of private press or media, and in particular, states that no law shall require any person to obtain a license as a prerequisite to the establishment or operation of a newspaper, journal, or other media for mass communication or information.

61. In effect, licensing shall not be used as a mechanism for frustrating the establishment or operation of a media outfit. In line with the strengthening and sustenance of the democratic process, Article 163 requires all state-owned media to afford fair opportunities and facilities for the presentation of divergent views and dissenting opinions. This provision became the subject of contention in the case of *National Patriotic Party v Ghana Broadcasting Corporation*, in which the Supreme Court held that the state-owned media has the duty to afford to the opposition political party equal opportunity to present its views to the public on matters of national concern.

The National Media Commission

62. The Constitution demands the establishment of the National Media Commission which has, inter alia, the responsibility to promote and ensure the freedom and

independence of the media for mass communication or information. It is an independent commission that is to insulate the state-owned media from government control. The Commission therefore has the responsibility to appoint the chairman and other members of the governing bodies of public corporations managing the state-owned media, in consultation with the President.

Dual citizenship

63. The 1992 Constitution at its inception did not make provision for dual citizenship; the 1996 Constitutional Amendment, however, removed the inhibition, thus making it possible that a citizen of Ghana may hold the citizenship of any other country in addition to his citizenship of Ghana. In principle, the amendment limits dual citizenship to persons who already possess Ghanaian citizenship. To qualify for dual citizenship, therefore, the person must be a citizen of Ghana or must have lost citizenship as a result of the law in Ghana which had prohibited the holding of dual citizenship by a Ghanaian. Any other person desiring to acquire Ghanaian citizenship would have to do so by registration or by naturalization. On the other hand, a Ghanaian citizen who in addition acquires the citizenship of another country is required to notify the Minister responsible for the Interior in writing of the acquisition of the additional citizenship.

The right to vote

64. The right to vote at public elections and referenda is guaranteed to every citizen of eighteen years of age and above, and of sound mind. A corollary to the right to vote is the right to form political parties, as well as the right to join a political party.

65. Arising from the genesis of political parties in Ghana and their demonstrated tendencies to exacerbate ethnic differences in the country, the Constitution mandates that all political parties shall have a national character, and membership shall not be based on ethnic, religious, regional or other sectional divisions. This prescription is intended to remove sectional-based political groupings that could disorganize the cohesiveness of the country.

66. The right to vote was the subject matter in *Tehn – Addy v Electoral Commission & Another*, the facts of which were that the plaintiff, a 57 year old Ghanaian citizen, had travelled out of Ghana when the Electoral Commission conducted the registration exercise. Upon his return into the country he submitted himself for registration by the Electoral Commission but for some reasons the latter could not accede to his request. The plaintiff therefore filed a suit against the Electoral Commission in the Supreme Court, claiming that the refusal of the Electoral Commission to register him as a voter was inconsistent with and in contravention of 1992 Constitution.

67. The Supreme Court upheld the right to vote as a fundamental constitutional right and therefore ordered the Electoral Commission to register the plaintiff accordingly. The Court emphasized the fact that in Ghana, the non-registration of a qualified person carries the additional effect of disqualification from holding the position of Minister of State, member of the Electoral Commission, President or Vice-President, member of the Public Services Commission, or member of the National Commission for Civic Education. The Court consequently interpreted the right to vote as a fundamental constitutional right rather than as a mere privilege or civil right.

68. In another case, *Ahumah – Ocansey vs. Electoral Commission*, the Supreme Court was confronted with the issue of the right of prisoners to vote. The Court came to the conclusion that the express provisions of Article 42 of the Constitution confer the right to vote on all Ghanaians of eighteen years and above and of sound mind, and therefore that remanded and convicted prisoners confined in legal detention centres have the right to be

registered as voters for the conduct of public elections. The court added, however, that the exercise of this right is subject to the Electoral Commission making the necessary legislative arrangements to take care of the control, management, and regulatory regime of such an exercise.

The Commission of Human Rights and Administrative Justice (CHRAJ)

69. The CHRAJ functions as a human rights institution, an ombudsman institution, and also as an anti-corruption agency. It is vested with the power, among others, to investigate complaints of violations of fundamental rights and freedoms, injustice, corruption, abuse of power, and unfair treatment of any person by a public officer in the exercise of his official duties.

70. The influence of the CHRAJ has been pervasive and this often brings it into conflict with the Executive and even the judiciary. One such case of particular interest is the Republic v Commission on Human Rights and Administrative Justice; Ex parte Richard Anane (Anane Case), the facts of which were that the CHRAJ, acting under Article 218(a) of its constitutional functions, without a formal complaint from an identifiable complainant and on its own initiative, investigated allegations of corruption and abuse of office made in the media against Dr Anane, a Minister of State. The Commission, at the conclusion of its investigations, made adverse findings of abuse of power and perjury against Dr Anane and recommendations, among others, of his removal from office. Not satisfied, Anane instituted proceedings in the High Court, arguing that the said findings and recommendations should be quashed on the grounds that the Commission is by law mandated as a precondition to activating its investigative processes under Article 218(a) to receive a formal complaint from an identifiable complainant.

71. The Fast Track High Court granted the certiorari application and quashed the findings, decisions, and recommendations of the Commission, and proceeded to give an interpretation of the meaning of "Complaint" under the 1992 Constitution.

72. Dissatisfied with the High Court ruling, the Commission instituted proceedings in the Supreme Court under Article 132 of the 1992 Constitution for an order of certiorari to quash the said decision of the Fast Track High Court. The main ground of the Commission's complaint in the instant case was that the trial judge erred in law when he wrongly assumed jurisdiction to interpret and apply Articles 218(a) and 287(1) of the 1992 Constitution.

73. The Supreme Court affirmed that matters of constitutional interpretation are solely vested in the Supreme Court by virtue of Article 132 of the 1992 Constitution, which gives the Supreme Court exclusive jurisdiction, and that any issue of constitutional interpretation which arises at any forum must be timely referred to the Supreme Court for interpretation. The Supreme Court held further that the word complaint under Article 218(a) and (b) means a formal complaint made to the Commission by an identifiable individual or body corporate who may, but need not be, a victim.

74. With this decision, the protective powers of the CHRAJ were whittled down. Nevertheless the CHRAJ remains a significant institution as a human rights protector and anti-corruption agency.

The District Assembly system

75. Decentralization is an integral part of the Constitution. The country is divided into districts for the purposes of local government. The highest political authority in the district is the District Assembly, which has deliberative, legislative, and executive powers.

76. Membership of the District Assembly consists of elected members, members of Parliament for the Constituencies that fall within the area of authority of the District Assembly (but without the right to vote), and the District Chief Executive of the district, together with not more than thirty per cent of all the members to be appointed by the President in consultation with the traditional authorities and other interest groups in the district.

77. It is significant to note that elections into the District Assembly are not organized on a political party basis; according to Article 248, a candidate seeking election to a District Assembly or any lower local government unit shall present himself to the electorate as an individual, and shall not use any symbol associated with any political party.

78. This, it is believed, will preserve the cohesiveness of the traditional communities by avoiding the divisive characteristics of political party activity, which is the hallmark of political activity in the country.

Chieftaincy

79. The chieftaincy institution was the basis for political administration prior to the intrusion of the colonialists onto the territories that now constitute Ghana. Over time, however, political authority has been almost completely divested from the traditional rulers. The Constitution nevertheless recognizes the importance of the institution in the lives of the majority of the people of Ghana. As was acknowledged by the Committee of Experts that produced the draft of the 1992 Constitution, successive Governments have recognized the importance and resilience of the institution of Chieftaincy in our social and cultural life. Although stripped of all formal powers, the chief continues to command the traditional loyalty of most Ghanaians, particularly in the rural areas. He or she remains a leader in a very meaningful sense, and is particularly well placed to mobilize and inspire the community in the execution of development projects or other social and economic ventures. Chieftaincy is often a stabilizing and often a unifying factor.

80. The chief remains an important player in the life of the nation, particularly in the customary aspect. It is of particular interest that the Constitution, in Article 272(b) and (c), confers on the National House of Chiefs powers that are legislative in character as far as customary law and practices are concerned, as it follows that

> "The National House of Chiefs shall –
>
> (b) undertake the progressive study, interpretation and codification of customary law with a view to evolving, in appropriate cases, a unified system of rules of customary law, and compiling the customary laws and lines of succession applicable to each stool or skin;
>
> (c) undertake an evaluation of traditional customs and usages with a view to eliminating those customs and usages that are outmoded and socially harmful".

81. This mandate is yet to be fully exploited by the traditional authorities who, put together, have more direct access to the majority of ordinary citizens, particularly those in the rural communities, than the official government institutions.

II. Information regarding the Covenant

Article 2

82. The principal legal measures Ghana has taken to give effect to Article 2 of the ICCPR are as follows.

Principal legal measures

The 1992 Constitution

83. This is the Supreme law of Ghana and it has been in existence for the past 22 years. It has elaborate provisions on civil and political rights in Chapter 5 titled "Fundamental Human Rights and Freedoms" such as:

- The right to life;
- Protection of personal liberty;
- Respect for human dignity;
- Protection from slavery and forced labour;
- Equality and freedom from discrimination;
- Protection of privacy of home and other property;
- Right to fair trial;
- Protection from deprivation of property;
- Freedom of speech and expression, information, religion, movement, assembly and association;
- Property rights of spouses;
- Administrative justice;
- Women's rights;
- Children's rights;
- Rights of the disabled;
- Rights of the sick;
- Rights of persons detained under emergency law.

Other laws that promote civil and political rights in Ghana

Children's Act 1998 (Act 560)

84. It is a comprehensive law on the rights of children in Ghana and it seeks generally to provide protection for the rights of children in Ghana. It also regulates the child's right to adoption, child labour, apprenticeship and related matters. It is a replica of the United Nations Convention on the Rights of the Child.

Intestate Succession Act, 1985 P.N.D.C.L 111

85. The aim of the law is to remove the anomalies in the present law relating to intestate succession that basically disadvantaged many survivors of persons who died intestate especially women and children who in most cases received little or no property of the deceased. It seeks to provide a uniform intestate succession law that will be applicable throughout the country irrespective of the class of the intestate and the type of marriage contracted by the deceased.

Domestic Violence Act, 2007 (Act 732)

86. This Act seeks to provide protection from domestic violence particularly for women and children and for connected purposes. The Domestic Violence and Victim Support Unit

(DOVVSU) of the Ghana Police Service has the mandate to investigate and prosecute all cases of domestic violence in accordance with the Act.

87. Further, the judiciary has set up a Gender Based Violence Court also known as the Domestic Violence Court to see to the prosecution and disposal of domestic violence cases expeditiously. This court has been in existence since March 2009.

Persons With Disability Act, 2006 (Act 715)

88. This is an Act to provide for persons with disability to establish a National Council on persons with disability and to provide for related matters. Generally the Act prohibits all forms of discrimination against persons with disability and advocates for their integration into all sectors of the economy through employment among others.

Human Trafficking Act, 2005 (Act 694)

89. This is an Act for the prevention, reduction, punishment of human trafficking, for the rehabilitation and integration of trafficked persons and related matters.

Judicial, administrative and other competent authorities

The Judiciary

90. The courts have been established to generally protect the rights of all persons in Ghana. The lower courts are the Circuit court and District Court and the superior courts are the High Court, Court of Appeal and the Supreme Court.

91. The High Court is given an exclusive jurisdiction under Article 140(2) of the 1992 Constitution to be the court of first instance in cases of human rights violations. It states that: "The High Court shall have jurisdiction to enforce Fundamental Human Rights and Freedoms guaranteed by the Constitution"

92. Specially designated courts like the Human Rights Court exist to handle human rights cases that are brought before the courts, the Domestic Violence Court to handle cases of domestic violence and the Juvenile Court to handle cases affecting juveniles among others.

The Legal Aid Scheme Act 1997, (Act 542)

93. The Constitution provides for the establishment of a Legal Aid Scheme in article 294 as follows:

> "For the purpose of enforcing any provision of this Constitution, a person is entitled to legal aid in connection with any proceedings relating to the Constitution if he has reasonable grounds for taking, defending, prosecuting or being a party to the proceedings.

94. Subject to clause (1) of this article, Parliament shall, by or under an Act of Parliament, regulate the grant of legal aid."

95. The Legal Aid Scheme was established to protect and defend the rights of the poor and vulnerable against abuse. It also ensures that no person in Ghana suffers injustice by virtue of his or her poor economic status.

Independent Governance Institutions

96. The Commission on Human Rights and Administrative Justice (CHRAJ) is the national human rights institution mandated under Chapter 18 of the 1992 Constitution to investigate among others complaints of violations of fundamental rights and freedoms,

injustice, corruption, abuse of power and unfair treatment of any person by a public officer. CHRAJ is located in all the 10 regional capitals of Ghana and it has over 100 districts offices throughout the country.

97. The National Commission for Civic Education (NCCE) is mandated under Chapter 19 of the 1992 Constitution in article 233(d) among other things, to formulate, implement and oversee programmes intended to inculcate in the citizens of Ghana awareness of their civic responsibilities and appreciation of their rights and obligations as free people.

The Electoral Commission (EC)

98. The Commission is mandated under Article 45 of the 1992 Constitution to among others, compile the register of voters and revise it in accordance with law, conduct and supervise all public elections and referenda and educate the people on the Electoral process.

Domestication of ICCPR

99. The 1992 Constitution guarantees fundamental human rights which are predominantly civil and political rights. Ghana has a poor record of domestication of treaties but that notwithstanding, the protection of the guaranteed human rights under the Constitution are respected by all persons in Ghana. The ICCPR is basically domesticated in Chapter 5 of the 1992 Constitution which guarantees the fundamental human rights and freedoms of all persons as mentioned above.

100. Whether Rights in the Covenant can be invoked before and given effect by courts and other authorities Article 12 of the 1992 Constitution provides that:

> "The fundamental human rights and freedoms enshrined in this Chapter shall be respected and upheld by the Executive, Legislature and Judiciary and all other organs of government and its agencies and, where applicable to them, by all natural and legal persons in Ghana, and shall be enforceable by the courts as provided for in this Constitution."

101. The opening clause of Chapter 6 of the 1992 Constitution on the Directive principles of State Policy provides as follows:

> "The Directive Principles of State Policy contained in this Chapter shall guide all citizens, Parliament, the President, the Judiciary, the Council of State, the Cabinet, political parties and other bodies and persons in applying or interpreting this Constitution or any other law and in taking and implementing any policy decisions, for the establishment of a just and free society."

102. Ghana is a dualist state and particularly, Article 75(1) and (2) of the 1992 Constitution states as follows:

> "The President may execute or cause to be executed treaties, agreements or conventions in the name of Ghana.
>
> A treaty, agreement or convention executed by or under the authority of the President shall be subject to ratification by –
>
> Act of Parliament; or
>
> A resolution of Parliament supported by the votes of more than one-half of all the members of Parliament."

103. Additionally, lawyers also invoke the ICCPR in court through litigation and the principles are adhered to by the courts. The following cases, to mention but a few, are instructive for the enforcement of civil and political rights in Ghana.

104. In the case of *Abumah Ocansey vs. Electoral Commission, Centre For Human Rights and Civil Liberties (CHURCIL) vs. Attorney General and Electoral Commission (Consolidated) [2010] SCGLR 575* concerns the right of prisoners to vote. An application was made to the Supreme Court by the above named lawyer praying the court to declare null and void PNDC Law 284 which barred remand and convicted prisoners from voting in contravention of article 42 of the 1992 Constitution which states that:

> "Every citizen of Ghana of eighteen years of age or above and of sound mind has the right to vote and is entitled to be registered as a voter for the purposes of public elections and referenda."

105. The court unanimously upheld the application on the grounds that the 1992 Constitution did not bar prisoners from voting and directed the Electoral Commission to come out with a framework to facilitate the inclusion of prisoners in the voters register. This led to first time registration of prisoners and their subsequent voting in the 2012 general elections.

106. The case of *Adjei Ampofo vs. Accra Metropolitan Authority 2007-2008 SCGLR 676* gives recognition and respect for human dignity. The applicant who is a lawyer sued the AMA and the Attorney General on behalf of night soil carriers who are hired by the AMA to carry the content of pan latrines in some parts of Accra. He said that the practice amounted to degrading and inhuman treatment which violates the basic human right of the carriers. He argued that AMA should take measures to eradicate this treatment of the poorest citizens who were doing this job because of their absolute poverty. He prayed the court to restrain AMA to abolish the practice since it was not only cruel but also inhuman and degrades the carriers. The Supreme Court upheld his application and gave AMA an ultimatum to replace such pan latrines and abolish their use in all homes.

107. Covenant rights are guaranteed in Chapter 5 of the 1992 Constitution as earlier stated above.

Judicial and appropriate remedies

108. As mentioned above the courts, tribunals and other administrative authorities are in place to ensure the promotion and protection of covenant rights when violated. Appropriate remedies are also available for victims of such violations.

109. One judicial remedy worth mentioning is the Justice for All Programme initiated by the Attorney General in 2007.The programme is aimed at ensuring that persons on remand for 5 years and above without trial are taken through court processes and given fair hearing. Under the programme in some instances, courts are set up within the prison premises to hear the cases and a lot of prisoners have benefitted from the programme.

National or official institution that implements covenant rights

110. The CHRAJ is the national institution mandated under chapter 18 of the 1992 Constitution and the Commission on Human Rights and Administrative Justice Act, 1993 (Act 456) to investigate complaints of fundamental rights and freedoms of all persons in Ghana.

111. CHRAJ receives and investigates complaints on the following:

- Discrimination;
- Torture;
- Unlawful arrests and detention;
- Sexual harassment;

- Early or forced marriages;
- Slavery or servitude, etc.

112. CHRAJ also educates the public on their human rights and how and where persons whose rights have been violated could seek redress.

113. CHRAJ in collaboration with the Ghana Aids Commission (GAC) and the Health Policy Project (HPP) have created a discriminatory reporting system at CHRAJ especially for receiving complaints from persons living with HIV/AIDS (PLHIV) and key populations. The system was launched in Ghana in December 2013 during World AIDS day. A special desk called the Health Rights Desk has been created at the Commission and a few selected staff have been specially trained to handle such complaints. This reporting system seeks to ensure that stigma and discrimination against PLHIVs and key populations are reduced to the barest minimum. Another component of the programme is collaboration with Non-Governmental Organizations and Civil Society Organizations who have also been trained to keep them abreast with the programme to disseminate information about the Reporting system in their respective communities.

Awareness raising on covenant rights and training of public officials, state agents, judges, lawyers and law enforcement agencies

114. CHRAJ has consistently raised awareness on covenant rights since its inception and has also been organizing training programmes for the Police on Standard Minimum Rules.

115. CHRAJ has Civil Society collaboration with non-governmental organizations dubbed the NGO Forum and CHRAJ holds meetings with them quarterly to discuss issues pertaining to human rights in Ghana. They are educated and trained on human rights to serve as agents of change in their communities and they assist CHRAJ in its advocacy efforts.

116. There is also the Annual Human Rights Lecture which is a collaborative effort between CHRAJ, the Ghana Bar Association (GBA) and the Commonwealth Human Rights Initiative (CHRI). This collaboration invites experts to discuss topical issues of concern and solutions and suggestions are proffered for the improvement of human rights in Ghana. The programme is further disseminated to the general public by the media to keep them abreast with current trends in human rights.

117. Another programme is the Annual Human Rights and Integrity Camp for Senior High Schools which is a collaborative effort between the Commission and the Ghana Education Service (G.E.S). It aims at inculcating in the youth, sound leadership values based on respect for human rights, integrity, accountability, and good governance. It is a knowledge sharing experience for the schools and the rationale is to equip students to become agents of change in their schools and communities in promoting a positive human rights culture.

118. The Ghana Bar Association (GBA) organizes continuing Legal Education programmes for its members at its midyear and annual bar conferences to keep lawyers abreast with new trends in the practice.

119. The Judiciary has the Judicial Training Institute (JTI) and its role is to promote effective and continuing legal training for judges, magistrates, Court Staff, and administrative personnel to keep them abreast with new developments in their work.

Dissemination of covenant rights, remedies for redress, dissemination of State Party reports

120. Dissemination of covenant rights is achieved through public education by CHRAJ, NCCE, human rights NGOs, CSOs and the media.

121. Remedies for redress are usually obtained from the courts in the form of compensation, damages and punishment of persons who violate such rights with jail terms, life imprisonment, among others, when found guilty of such violations.

122. CHRAJ also gives civil remedies based on its recommendations after investigating complaints on human rights violations.

123. Ghana has not yet submitted a report on the ICCPR but it has been consistent with the Universal Periodic Review Mechanism (UPR) but the content of those reviews have not been disseminated.

Information on non-discrimination and equality

124. Article 17(1) and (2) of the 1992 Constitution provides as follows:

> "1. All persons shall be equal before the law.
>
> 2. A person shall not be discriminated against on grounds of gender, race, colour, ethnic origin, religion, creed, or social or economic status
>
> 3. For the purpose of this article to 'discriminate' means to give different treatment to different persons attributable only or mainly to their respective descriptions by race, place of origin, political opinions, colour, gender, creed, whereby persons of one description are subjected to disabilities or restrictions to which persons of another description are not made subject or are granted privileges or advantages which are not granted to persons of another description."

Legislative and administrative measures and recent court decisions on discrimination

125. Legislative and administrative measures:

- Article 17 of the 1992 Constitution;
- The Domestic Violence Act;
- The Intestate Succession Act;
- The Children's Act.

126. Recent court decision *Gladys Mensah vs. Stephen Mensah Civil Appeal No. J4/20/2011*. This case institutionalizes the principle of equality in the sharing of marital property by spouses after divorce. It gives recognition to household chores performed by wives in marriage as well as the ability of wives to create a congenial atmosphere in the home to enable the man to acquire property.

Measures to disseminate information to population on torture

127. CHRAJ educates the public generally on human rights and also on torture, inspects detention facilities and reports on any incidents of torture which it comes across and this is aired in the media for the information of the population at large.

128. The prohibition of torture, cruel, inhuman or degrading treatment forms an integral part of the operational rules and ethical standards of law enforcement agencies. The Police

has a unit known as the Police Intelligence and Professional Standards Bureau (PIPS) which deals with issues of professional misconduct on the part of police officers.

129. The Commission also trains public officials .e.g. Police Officers, on torture. One of such trainings was conducted by the Commission in September 20.

Articles 2 (1), 3 and 26

In the light of the provisions of articles 3 and general comment No. 28 (2000), provide information on the situation regarding the equal enjoyment of Covenant rights by men and women, including the actual role of women in society. Indicate all legislative and other steps taken to eliminate stereotypes that discriminate against women and to put an end to discriminatory actions, both in the public and in the private sectors, which impair the equal enjoyment of rights by women and men (CCPR/C/2009/1).

130. The need for equality between women and men is an engine for socio-economic growth and necessary for the achievement of development. The Government of Ghana, in recognition of the importance of women's empowerment and gender equality considers the National Machinery for the advancement of women. Ghana had demonstrated political will and government's commitment to end all forms of discrimination against women.

131. Currently, through the diverse interventions and projects, women in Ghana have been empowered and therefore continue to play both their traditional and modern roles – productive, reproductive and community roles effectively, thereby contributing their quota to the socio-economic development of the country.

132. The mandate of the Ministry of Gender, Children and Social Protection (MoGCSP) had been expanded; however, the budgetary allocations still remained under one per cent of the total national budget.

133. Ghana acceded to the Convention on the Elimination of All Forms of Discrimination against Women in 1986, and has worked hard on implementing its principles.

134. The Ghana Shared Growth and Development Agenda (GSGDA) provides the overall framework for improving the participation of women in key sectors of the economy, as well as putting in place measures to bridge the inequality gap between men and women. Ghana recognizes, however, the need to legislate on equality for women, in the interest of securing their fundamental human rights and to boost their essential contribution to national development.

135. To strengthen the legal and policy framework on gender, the Ministry had submitted to Parliament for promulgation, the Property Rights of Spouses and the Intestate Succession Bills; and Legislative Instruments to the Domestic Violence and Human Trafficking Acts of 2005.

136. The Ministry is also sponsoring the Affirmative Action Bill on which consultations are currently being held, prior to its submission to the Cabinet for approval.

137. The Ministry has drafted a National Gender Policy to address gender inequality, equity and empowerment of women for national development.

138. The Commission on Human Rights and Administrative Justice (CHRAJ) had sustained a vigorous campaign in opposition to injurious and dehumanizing cultural practices such as female genital mutilation, widowhood rites, forced marriages, ritual servitude, maltreatment of women accused of witchcraft, as well as other violent practices that subject women and girls to cruel treatment.

139. The Ministry is partnering with UNICEF, with funding from The Netherlands, to address early and forced marriage in a project that will involve annual national dialogues with traditional leaders through the National House of Chiefs and the Minister of Chieftaincy Affairs.

140. In recent years, the government had been increasingly proactive in addressing the issue of witchcraft accusations in Ghana. Particular measures taken to address the phenomenon include attempts to improve the living conditions of those accused of witchcraft and the development of a road map to facilitate the reintegration into their communities.

141. To promote women's participation in political and public life, a draft Affirmative Action Bill is currently being finalized to be submitted to the Cabinet, with an expectation that this will be concluded by the end of this year

142. The National and Regional Houses of Chiefs have also begun the process of fully integrating queen mothers into both Houses.

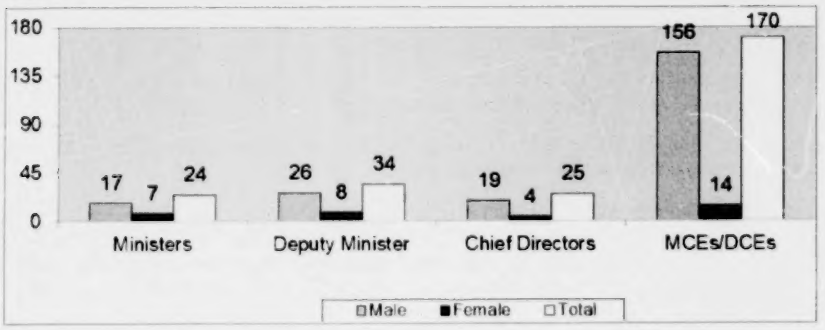
When reporting under each Covenant right, provide information regarding the enjoyment of this right by women and men, including the proportion of women in positions of responsibility in both the public and private sector and the measures taken to promote the representation of women in Parliament and in senior positions in Government as well as in the private sector.

Participation in political and public life

Affirmative action

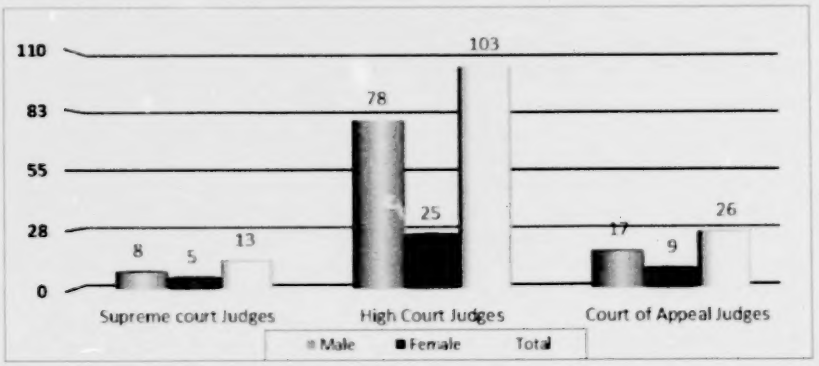
143. The Affirmative Action Policy formulated in 1998 by the Government after the Beijing Plan of Action set targets of 40 percent representation of women at all levels of governance, on Public Boards, Commissions, Councils, Committees and Official Boards including Cabinet and Council of State. As the country progresses towards meeting these targets, the trend has been mixed. In the traditional governance institutions efforts have been made to ensure the active participation of Queen-mothers in the Traditional Councils and Houses of Chiefs. In other governance structures – particularly in political positions – women are still under-represented (Ghana MDG Report, 2013). Women, however, are still under-represented in key national and regional governance institutions. At the highest level of Government, women make up 29 percent of Ministers, 23 percent of Deputy Ministers, 16 percent of Chief Directors and eight percent of District/Municipal/Metropolitan Chief Executives as indicated in Figure 1.

Figure 1



144. Within the judiciary, women still continue to lag behind their male counterparts. Currently, there are only 29 women parliamentarians out of 275, while in the superior courts there are 5 out of 13 at the Supreme Court, 9 out of 26 at the Court of Appeal and 25 out of 103 at the High Court.

Figure 2



145. The Affirmative Action Bill is currently in its second draft form, having received comments on it from the Attorney-General's Department. A workshop was held in June 2014 with key stakeholders to discuss the second draft and move the Bill forward towards finalization. As a result of the workshop, it was agreed that further consultation with a number government institutions is required before finalization. MoGCSP is currently in the process of drafting the consultation documents before setting up meetings with each institution to seek their input and thus clarify the operation of particular clauses.

146. One of the key legislation that mandates the participation of women is the National Peace Council Act, which requires that one of the two members of the National Peace Council appointed by Government should be a woman.

147. Since 2002, various Governments have made efforts to increase women's participation in the District Assemblies through administrative guidelines that require varied percentages of appointed members to be women. However, because they are often mere administrative guidelines and processes, not all the Assemblies have fulfilled them. Generally, most Government institutions have gender policies in place which are aimed at promoting the empowerment of women.

148. To enhance women's participation in political life, two of the country's major political parties, the National Democratic Congress (NDC) and the New Patriotic Party (NPP) have reduced the cost of filing fees for women parliamentary contestants. These political parties and others in the country have stated quotas for women's ministerial appointments in their manifestos.

149. Civil Society Organizations including ABANTU for Development, Women in Law and Development (WiLDAF), and Action Aid-Ghana have carried out awareness-raising programmes and advocacy which have accounted for the marginal increases in women's participation in decision-making at national and local levels.

150. The draft Affirmative Action Bill is currently with the Attorney-General's Department, pending its submission to Cabinet and the Parliamentary process.

151. Regarding the participation of women in the chieftaincy institution, as noted previously in this Report, for the first time in Ghana's history, Paramount Queen-mothers in 2010 were paid allowances just like their male counterparts. The amount paid was

increased from one hundred and fifty Cedis (₵150.00) to three hundred Cedis (₵300.00) per month.

152. There are also now 10 Regional Associations of Paramount Queen-mothers in all the 10 administrative Regions of Ghana. Through these Associations, Queen-mothers discuss and address matters relating to the welfare of women.

153. The process has commenced to fully integrate Queen-mothers into the Regional Houses of Chiefs and the National House of Chiefs, both of which are constitutional bodies vested with powers and functions related to matters of customary law and practice.

154. In order to ensure women's equal access to and full participation in power structures and decision making on land through the development of policies, the Ministry of Lands and Natural Resources through the Land Administration Project (LAP), has built capacity of some selected women traditional leaders (Queen Mothers) to participate and contributes effectively in decision making on land at the national and customary levels. From the Project's analyses, women's representation and participation in decision making on land under LAP has increased at the formal and customary levels. The Project through continuous engagement with stakeholders ensures a more equitable information and access to opportunities and benefits for women and men. For example, the Ministry, through LAP promotes adequate women's participation in LAP's processes relating to rural parcel land demarcation and registration, deeds and titling, and alternative dispute resolution mechanisms at the Customary Land Secretariats (CLSs).

Measures to ensure equal pay for equal work for women and men.

155. The Constitution of Ghana recognizes the right to fair remuneration and equal pay for work of equal value (article 24.1). In accordance with section 68 of the Labour Act, every worker should receive equal pay for work of equal value without distinction of any kind.

156. In the employment sector, the National Development Planning Commission (NDPC) notes in the 2012 Annual Progress Report on the implementation of the GSGDA among the achievements in the sector, the adoption and implementation of a National Employment Policy (2012-2016) and the development of a National Human Resource Development Policy. The objective of the National Employment Policy is to achieve full employment and enable men and women who are available and willing to work to attain secured and sustainable livelihood through productive and freely chosen employment and work. One of the strategies of this Policy is the mainstreaming of vulnerable groups (including youth, women, people with disabilities and children) into national employment programmes, particularly the establishment of special employment schemes. In this vein, the Policy builds on previous successes such as the International Labour Organization (ILO) Decent Work Programme (DWP), which was successfully piloted in Ajumako-Enyan-Essiam and Awutu-Afutu-Senya Districts of the Central Region; the National Forestation Plantation Programme (NFPP) which restored over 51,000 hectares of forest plantations, generating about 32,000 full-time farming jobs and 1,038,832 temporary jobs for the youth between 2001 and 2004; and the National Mass Cocoa Spraying Programme (NMCSP), started in 2001 and which generated 60,000 seasonal jobs in 2004. Guided by these programmes, the Policy would pursue the following strategies for women:

- Eliminating impediments to women's access to productive employment opportunities;
- Increasing women's education and training in entrepreneurship, general management and business management, skills training and confidence building;

- Specific policy interventions to encourage women to go into high income earning activities including cash crop farming, agro-processing, horticulture production for export, and ICT;
- Expanding business advisory services targeted at promoting businesses of women and provision of financial and non-financial assistance including access to market-based income generating opportunities, women-friendly technologies, adequate special micro-credit schemes, and easy access to business advice; and
- Measures to remove unfavourable institutional culture, that portray women differently from what they really are at the work place.

157. In accordance with article 17 of the Constitution of Ghana, all human beings are equal before the law and no person can be discriminated on any ground, including gender, race, colour, ethnic origin, religion, creed or social or economic status. The Labour Act adds disability and politics to the list of protected class.

Ghana has in place the Domestic Violence Act, 2007 (Act 732)

158. The Domestic Violence Act, 2007 (Act 732) is set out in three parts. The first part covers the prohibition of domestic violence within an existing or previous relationship and defines domestic violence to include physical, sexual, economic, and emotional abuse. It also defines a domestic relationship and provides that a single act can amount to domestic violence. There are provisions on the filing of complaints to the police, police assistance and arrests by the police. The second part of the Act makes provisions for protection orders, and procedures to activate these. The final part of the Act covers miscellaneous provisions including the relation of the Act to the Criminal Code, the promotion of reconciliation by the Court, publication of proceedings, criminal charges and protection, civil claims for damages, regulations and interpretation.

159. A number of activities have been undertaken towards implementation of the National Policy and Plan of Action on Domestic Violence (2009-2019). Against the backdrop of the Domestic Violence Act, the focus of activities under the Policy has been to ensure the effective implementation of the Act. Some of the key activities carried out include the following:

(a) Developed and implemented a communications strategy for the Domestic Violence Act;

(b) Conducted a comparative study of implementation of the Domestic Violence Act within the courts in Ghana. A pilot study was undertaken in 3 Regions (Eastern Region, Volta and Greater Accra) to examine how the Domestic Violence Act was being implemented within the courts;

(c) Designed and developed domestic violence awareness-raising bulletin boards and posted them throughout all of Ghana's Regions;

(d) Conducting research on the rate of domestic violence in Ghana. This is an ongoing project. Funding has been secured and the background work for the research has been completed. The collection of data is due to begin in the coming months;

(e) Celebration of 16 Days of Activism Campaign. The activities involved the participation of women accused of witchcraft living in witch camps in "anti-gender-based violence" events; a youth symposium; an event to honour the Domestic Violence and Victim Support Unit (DOVVSU) for its work to end gender-based violence, including honouring individual police officers for their proactive efforts in this endeavour;

(f) Held a stakeholders meeting to re-design the medical referral forms in the health service to make them more sensitive to victims of domestic violence and sexual abuse;

(g) Reviewed and finalized the Legislative Instrument for the Domestic Violence Act;

(h) Convened a High-Level Ministerial Conference on Sexual and Gender-Based Violence, resulting in the signing of a Communiqué and the formation of an Inter-Ministerial Working Group on Sexual and Gender-Based Violence to deal with cross-cutting issues around sexual and gender-based violence.

160. The challenges that have been encountered in the implementation of the Policy so far include the following:

(a) Insufficient resources, both financial and human to fully implement the Policy;

(b) Absence of regional offices for the Domestic Violence Secretariat, resulting in heavy reliance on non-governmental stakeholders to assist with implementation. These stakeholders also face resource constraints and lack of capacity;

(c) Lack of consistent data.

161. Although the Domestic Violence Act does not explicitly mention marital rape, the Act is linked with the Criminal Offences Act (revised in 2007) under which marital rape could be punished. Part Three of the Domestic Violence Act covers miscellaneous provisions including its relationship of the Criminal Offences Act. Under section 32 of the Domestic Violence Act, where an act committed within the domestic setting is an offence which attracts a sentence of more than three years imprisonment under the Criminal Offences Act, the police is expected to bring the action under the latter Act and not the Domestic Violence Act. Offences which attract sentences of more than three years imprisonment include rape, defilement, incest, serious bodily harm, causing harm with a weapon, manslaughter and murder. Thus, a marital rape charge could be brought under the Criminal Offences Act, it being an aggravated offence attracting a sentence beyond three years.

162. Since 2009, government agencies with mandates to prevent all forms of violence against women have made significant efforts in embarking on various advocacy and awareness creation initiatives to communicate and mobilize community members to address violence against children. The Departments of Social Development, Gender and Children of the MoGCSP alone have interacted with over 250,000 people in about 250 communities in across the entire country on violence against women and children.

163. Other government agencies such as the Commission for Human Rights and Administrative Justice (CHRAJ), Domestic Violence and Victim Support and Anti-Human Trafficking Unit (AHTU) of the Ghana Police Service, Ghana Education Service (GES) and the Ghana Health Service have also engaged with various communities on violence against women. The essence of these programmes is to increase publicity and awareness on violence against women and its effects. The media has been a strong ally in publicizing and publishing various news items on violence against women and children. Various musicians and actors such as the Abibigroma Dama Group have had concerts, produced songs and drama sketch to sensitize and educate the public about the negative effects of violence against women and children. These, to a large extent, has also been very useful in sending a strong message to a wider section of Ghanaians about the need to protect women and children from violence and abuse.

164. There are mechanisms at the national and institutional levels to track progress through periodic assessments. For instance, periodic surveys such as the Multiple Indicator Cluster Survey (MICS), Demographic and Health Survey (GDHS), Core Welfare Indicators Questionnaire (CWIQ) and the Ghana Living Standards Survey (GLSS) produced by the Ghana Statistical Service serve as solid monitoring tools for measuring progress on violence against women and girls to inform and guide interventions for prevention of domestic violence.

165. DOVVSU has made diligent effort to compile data on domestic violence in Ghana from the cases it receives. CHRAJ has also been compiling data on the gender-related cases it receives.

166. Other measures taken to prevent and reduce the incidence of domestic violence include the following:

(a) Translated the Domestic Violence Act into six (6) local languages in 2009;

(b) Organized training programmes for media practitioners, traditional leaders, and DOVVSU officers in six (6) Regions of Ghana;

(c) Established regional, district and community steering committees on Domestic Violence in 2011;

(d) Established a Domestic Violence Victim Support Fund in 2011. It is intended to support victims of domestic violence and to assist the implementation of relevant anti-domestic violence interventions. The Fund became fully operational with its first disbursement in May 2014;

(e) Drafted a referral system for victims of trafficking to enhance access to appropriate services.

167. Other steps taken to combat domestic violence such as training for judges, prosecutors, police and health officers and awareness-raising campaigns for women on their rights and available remedies, as well as information on the number of safe shelters and the resources allocated to the assistance of victims of domestic violence.

Discrimination of minimum age of marriage:

168. Under the laws of Ghana, the relevant laws are the Marriages Act 1884-1985 and the Children's Act 1998. The Children's Act 1998 provides in section 13(2) that a person of 18 years and above may legally enter into marriage. This is because the laws of Ghana recognize a person who attains 18 years as an adult, devolving unto him or her right to vote.

169. Apart from Ghana considering an 18-year-old capable of entering into marriage, the prescribed age is also in conformity with international practice, as 82 per cent of the world's countries prescribe 18 years as the marriageable age. Sixty-seven percent of the countries in Africa also prescribe 18 years as the marriageable age.

170. This common international practice is justified not only because it is practised by a large proportion of the world's countries indicating acceptance, but because the difficulties in enforcing a higher marriageable age is acknowledged and age 18 is better than below 18 years.

171. It said it was important to note that under the country's laws, anyone who compels a person below 18 years to get married, with or without the child's consent commits an offence and is liable to suffer not less than six months or more than three years imprisonment. As a nation, we need to focus on the effective implementation of this law to address the issue of child marriage rather than compounding the issue. It is therefore recommended that the marriageable age be maintained at 18 years.

Unequal rights in marriage

172. Rights such as reproductive rights include the right to decide the number, timing and spacing of children, the right to voluntarily marry and establish a family, as well as the right to the highest attainable standard of health, among others.

173. Unequal power relations between men and women often limit women's control over sexual activity and their ability to protect themselves against unwanted pregnancy and sexually transmitted diseases including HIV/AIDS.

174. Adolescent girls are particularly vulnerable when it comes to sexual activity and stressed the need to conduct campaigns to increase awareness of the adolescents in Ghana. There is a need to address gender equity in reproductive health in order to achieve poverty reduction in the country. Adding on, gender inequality and discrimination harm girls' and women's health directly and indirectly, throughout the life cycle.

175. The Ministry through its sensitization engages with the media to use access to information provisions to report on gender equality and women's human rights issues and further urged the media to use their platform to reduce gender stereotyping in society.

Equality in divorce arrangements, including regarding custody of children

176. Most custody arrangements upon divorce or marriage separation give mothers custody of children below a certain age. Fathers in these cases generally refuse outright to meet their responsibilities toward such children. Children born into wedlock therefore tend to have better care than those outside it.

177. Women's rights to inheritance and protection in marriage are two issues closely related to child maintenance because traditional arrangements in divorce and widowhood do not recognize women's contribution to property acquisition of the husband and therefore fail to make adequate provision to mothers in such situations.

Children's Act – 1998 (Act 560)

178. Section 52 – Persons Entitled to Maintenance Order clearly spells out that any person who has custody of a child who is the subject of a maintenance order is entitled to receive and administer the maintenance order of the Family Tribunal.

179. It also clearly states that if the parent, guardian or whoever has custody of the child should cease to be a fit person, the Family Tribunal of the area where the child is resident may appoint another person to have custody of the child and administer the maintenance order and that person shall act as if originally appointed by the Family Tribunal.

180. The legal framework is being further strengthened with the introduction of a new law on intestate succession (the Intestate Succession Bill) and the Property Rights of Spouses Bill. The latter legislation is in fulfilment of the constitutional injunction to Parliament to pass a law regulating the property rights of spouses with a view to achieving equity and equality of spouses to property jointly acquired during their marriage. The draft Bill therefore makes provision for couples — both married and cohabiting — to equal access to jointly acquired property during the pendency of their union and sets standards and rules to guide courts in the determination of such matters.

181. The Criminal Code, 1960 (Act 29), the main criminal legislation in Ghana, contains a number of provisions aimed at protecting the moral and physical welfare of children. In relation to child maintenance, it provides that parents and guardians are under a duty to give access to the necessaries of health and life to children actually under their control, and not being of such age and capacity as to be able to obtain by themselves these necessaries.

182. The Matrimonial Causes Act which deals with matrimonial causes such as divorce, custody, nullity, maintenance etc., makes provision for either party to a marriage to petition the court for an order for maintenance on the ground that the other party to the marriage has wilfully neglected to provide or make a proper contribution toward reasonable maintenance for any child of the household.

183. The Wills Act, 1971 (Act 360) regulates the making of statutory wills by restricting the testamentary freedom of the testator so as to secure a reasonable part of his/her estate for the child where no provision is made for it.

184. The Intestate Succession Law 1985 PNDCL 111, later amended by PNDCL 264, was enacted to provide a uniform system of inheritance of the self-acquired estate of an intestate irrespective of the ethnic origin of the intestate and the type of marriage contracted by the deceased. Of importance to the maintenance of children is the fact that the law gives surviving children a considerable proportion of the property of their deceased parent and makes it an offence for anyone to unlawfully deprive a beneficiary of his/her share of the estate or to eject a surviving spouse or child from the matrimonial home.

185. Other statutory laws on child maintenance have very limited scope. The Criminal Code is limited to instances where child neglect is classified within the bounds of the criminal, whilst the provisions of the Matrimonial Causes Act is relevant only to children of a married or divorced couple and do not benefit single parents. The provision of the Intestate Succession law only allows children a right to maintenance from their dead parents' estate, and not when they are alive.

School attendance by girls

186. School attendance by girls:

(a) The country continues to make progress towards achieving gender parity at Senior High School (SHS), with the gender parity index (GPI) and share of female enrolment both increasing. The transition rates from JHS to SHS1 are higher for females than males, and the SHS completion rate for female students increased notably from 28% to 38% between 2012/13 and 2013/14;

(b) The percentage of females enrolled in public institutions has been rising in recent years. In 2012/13, 33.6% of public university students were female, 33.1% of polytechnic students, and 43.3% of Colleges of Education students were female;

(c) Available data for 2013/14 shows increasing progress towards the goals of gender parity at Senior High School level. The GPI on Gross Enrolment Ratio (GER) increased from 0.86 to 0.91, and the proportion of enrolment which is female from 45.9% to 46.9%;

(d) The proportion of enrolment in Ghana Education Service (GES) Technical and Vocational Institutions (TVIs) which was female increased from 16.5% in 2012/13 to 18.3% in 2013/14;

(e) In 2012/13, 9,404 students were admitted into the public Colleges of Education (CoEs), and 2,439 into the private CoEs, giving a total of 11,843 new entrants with 46.4% female representation;

(f) The percentage of enrolment in public institutions which is female has also been rising in recent years. In 2012/13 33.6% of public university students were female, 33.1% of polytechnic students, and 43.3% of CoE students were female;

(g) Ghana achieved 100% GER in four out of the ten administrative Regions making up the country in 2010 ahead of the 2015 deadline. The six other regions are below the national average but working steadily towards achieving the 100% mark. The success

has been due to initiatives such as the capitation grant, school-feeding programme and free school uniform programme. Under the National School Feeding Programme, over 1.6 million hungry pupils are fed with one hot nutritious meal on every school going day. This has increased school enrolment, attendance and retention by 80%;

(h) The "Take Home Ration" initiative by the Ghana Education Service (GES) and the World Food Programme (WFP) in 1988/89 in the northern parts of the country has helped to bridge the gender disparity in education in deprived communities. Currently, food rations have been provided to 90,000 girls in the three northern regions. As a result of this partnership between the GES and the WFP providing the "Take Home Rations", the Upper East and Upper West Regions of the country were the first two out of the ten Regions to attain gender parity in education in Ghana;

(i) To bridge the gender gap in access to education, a total of 15,700 girls from JHS have benefited from scholarships through the Participatory Approach to Student Success;

(j) To improve ICT in education, 60,000 laptops have been provided to Basic Schools in all ten regions of Ghana under the Basic School Computerization Program. 50,000 Basic School teachers have also benefited from ICT training;

(k) For the 2012/13 academic year, the Ministry of Education has provided Capitation Grant amounting to GH₵24,472,840.00 for 5,741,198 pupils in basic schools. The Ministry of Education has also subsidized the registration cost of 391,079 candidates for the Basic Education Certificate Examination (BECE) to the tune of GH₵9,031,338.00;

(l) Under the Gender Responsive Skills and Community Development Project (GRSCDP), MoGCSP granted scholarships to 668 girls from the 2011/2012 to the 2012/2013 academic years, and presented equipment in 59 districts, including 25 to Department of Community Development-run institutions and 8 to the National Vocational Training Institute (NVTI). In 2014, the GRSCDP supplied equipment for carpentry, masonry, mechanical, dressmaking and catering to technical and vocational institutions.

Transmission of nationality to children

187. The Children's Act – 1998 (Act 560) Section 4 clearly makes provision for the transmission of nationality to children. It states clearly that: No person shall deprive a child of the right from birth to a name, the right to acquire a nationality or the right as far as possible, to know his natural parents and extended family subject to the provisions of Part IV, Sub-Part II of the Act.

188. The 1992 constitution guarantees the citizenship of a child born in or outside Ghana at the date of his/her birth only if either of his /her parents or one grandparent was or is a citizen of Ghana.

Legislation on rape, including spousal rape

189. Although the Domestic Violence Act does not explicitly mention marital rape, the Act is linked with the Criminal Offences Act (revised in 2007) under which marital rape could be punished. Part Three of the Domestic Violence Act covers miscellaneous provisions including its relationship of the Criminal Offences Act. Under section 32 of the Domestic Violence Act, where an act committed within the domestic setting is an offence which attracts a sentence of more than three years imprisonment under the Criminal Offences Act, the police is expected to bring the action under the latter Act and not the Domestic Violence Act. Offences which attract sentences of more than three years imprisonment include rape, defilement, incest, serious bodily harm, causing harm with a weapon, manslaughter and murder. Thus, a marital rape charge could be brought under the

Criminal Offences Act, it being an aggravated offence attracting a sentence beyond three years.

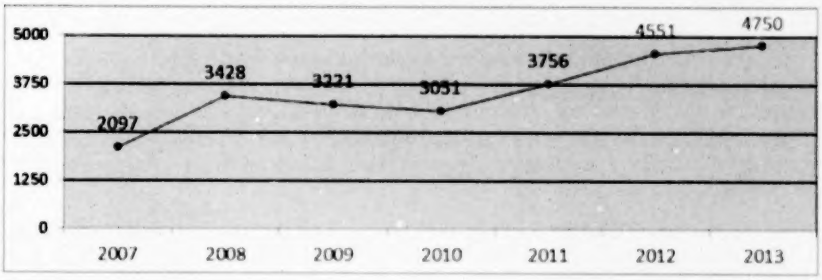
Measures taken to eliminate traditional practices and customs affecting the dignity of women and girls.

190. Since its establishment in 1993, the Commission for Human Rights and Administrative Justice (CHRAJ) has sustained a vigorous campaign and opposition to all aspects of injurious and dehumanizing cultural practices such as female genital mutilation, widowhood rites, forced marriages, ritual servitude, maltreatment of women accused of witchcraft, as well as other violent practices that subject women and girl children to cruel treatment and acts that detract on their dignity.

191. CHRAJ – under its monitoring mandate – has continued to monitor trokosi shrines and worked with local NGOs to advocate for and secure the release of women and girls in servitude in the shrines. CHRAJ has noted from its monitoring that while the number of trokosis has decreased significantly over the past years, the practice is still prevalent and trokosis are continuously being admitted to shrines

192. In the case of widows, CHRAJ has intervened in cases where widows have been abused, to protect them. The Commission has collaborated with the Ghana Police Service in some instances to curtail the perpetuation of harmful widowhood rites on women. These successes have been chalked by CHRAJ mainly through its intensive public awareness campaigns conducted on gender-based violence. The number of public education programmes conducted by CHRAJ from 2007 to 2013 is provided in Figure 3.

Figure 3



193. Other legislative interventions such as the amendment of the Intestate Succession Law and the introduction of a Property Rights of Spouses Bill are intended to combat negative cultural practices which subjugate women's rights to inheritance as a result of customary practices.

194. The phenomenon of women being accused of witchcraft still exists in the Northern, Upper East and Upper West Regions of the country. Currently, there are a total of six alleged witch camps, Kukuo, Gnani-Tindang, Gambaga, Bonyase, Tindan-zhie (Kpatinga) and Nabuliare, located in five Districts in the Northern Region. These are Nanumba South, Yendi, East Mamprusi, Central Gonja and Gushegu Districts respectively. According to the Anti-Witchcraft Allegations Campaign Coalition (AWACC) Field Monitoring, as at May 2012, the population of the witch camps were as follows:

(a) Kukuo Camp: 137 alleged witches and 172 children and grandchildren. 66 percent of the women are 70 years of age and above, with a majority of them coming from Bimbilla and its surrounding communities and Nakpali in the Zabzugu District. There are no males in the camp;

(b) Gnani-Tindang Camp: There are 273 alleged witches and wizards consisting of 173 (80.4 percent) women and 42 (19.6 percent) men, and 231 children and grandchildren. Unlike the Kukuo camp this camp has both sexes and there is no discrimination among them. Two ethnic groups can be distinguished, namely: the Dagombas and the Kokombas. Like the Kukuo camp, majority (72 percent) of the population in the Gnani-Tindang camp is aged 70 years and above;

(c) Tindan-zhie Camp (Kpatinga): There are 40 alleged witches and over 100 children and grandchildren. As pertains in the other camps, more than 70 percent of the population is aged 70 years and above;

(d) Nabuli Camp: There are 140 women alleged to be witches in this camp. There are no children in the Nabuli Camp. It was in 2012 noted as the newest and fastest growing of all the camps with a population of 140 women;

(e) Bonyase Camp: There are 3 alleged witches and no children in this Camp;

(f) Gambaga Camp: There are 88 alleged witches with a majority aged 60 years and above.

195. Allegations of witchcraft is highly gendered, with older females, widows, childless or unmarried women bearing the brunt of the scourge due to strongly-held customary beliefs about such women not meeting certain gender stereotypes. Efforts to address the phenomenon have therefore engaged the attention of both governmental and non-governmental institutions. Measures taken so far include the following:

(a) Awareness-raising programmes on the witches camps and their harmful effects on women by the National Commission for Civic Education (NCCE);

(b) Comprehensive Research on the witches camps by the NCCE;

(c) Development of a Roadmap on eliminating the witch camps by Action Aid-Ghana and the Go Home Project of the Presbyterian Church of Ghana working on witch camps. The Roadmap has been handed over to the MoGCSP, which is currently studying it to determine how best to strengthen the collaboration and collective efforts towards removing the camps. The Ministry is thus working with the partners mentioned here to close down at least one camp.

196. As part of our effort to leverage and improve upon the living conditions of alleged witches, steps have been taken by MoGCSP and the Ghana Health Service to provide basic needs such as food, potable water, sleeping arrangements (re-roofing of huts) and medical screening. This is to ensure their protection and basic health needs. Notwithstanding all this effort, MoGCSP is working progressively on reintegrating the alleged witches in their home villages. This process is more sustainable and promotes the rights of the women to live freely. A roadmap has also been developed to facilitate the reintegration process. The media has been very instrumental in educating the public about the situations of the women in the witch camps.

197. Two years after the implementation of the reintegration roadmap, 132 witches have already been reintegrated into their communities. Some challenges have however, been encountered in the reintegration process. Community people find it difficult in accepting the women, and as a result it will require increased sensitization by the private sector and development organizations to aid the process.

Legislation combating trafficking and all forms of servitude

198. Cross-border trafficking is not very prevalent in Ghana, although there is evidence of it happening especially for sexual exploitation of women and children. The trafficking of children is prevalent internally. Girls, especially, are forced into labour, domestic servitude,

head porterage, street hawking and prostitution. Boys on the other hand are trafficked to do fishing, mining, and quarrying. Trafficking for agricultural labour is reducing due to ILO and ECOWAS Projects.

199. For men, cross country trafficking or illegal migrant smuggling is connected with fraudulent recruitment agencies and young men stowing away on ships to Europe, America and the Arab world including Kuwait and Saudi Arabia to do construction work. Ghanaian women and children are also trafficked to Nigeria, Côte d'Ivoire, Burkina Faso, The Gambia, South Africa, Israel, Syria, Lebanon, Russia, France, the United Kingdom, Germany, and the United States for forced labour and sex trafficking. Some women and girls voluntarily migrating from China, Nigeria, Côte d'Ivoire, Burkina Faso, and Benin have also been subjected to commercial sexual exploitation after arriving in Ghana.

200. The key obstacles to implementation of the Human Trafficking Act are mainly:

(a) Ineffective collaborative mechanisms to fight trafficking;

(b) Inadequate Government budgetary allocation to carry out mandated activities in the Human Trafficking Act by MoGCSP and for that matter the Human Trafficking Secretariat;

(c) The Anti-Human Trafficking Unit (AHTU) remains under-staffed and under-funded. AHTU officials are the only state officials mandated to prosecute trafficking cases yet their limited resources hamper government's ability to adequately address the number of cases brought to the Unit each year.

201. Although there is no formal protocol for referral of cases, AHTU was able to refer some of the 409 trafficking victims identified in 2012 to Government and NGO-run facilities for protective care.

202. In all the AHTU, Ghana Immigration Service (GIS), and the Economic and Organized Crime Office (EOCO) identified 91 suspected trafficking cases in 2012. The AHTU was able to secure the conviction of 29 traffickers, marking an increase of four convictions over that of 2011.

203. In spite of the challenges, the Government has made efforts to strengthen the institutional framework and capacity of officers. The AHTU opened its ninth Regional Office in the Eastern Regional capital, Koforidua in August 2011. On capacity-building, EOCO conducted two training courses for its anti-human trafficking unit in 2012. In the same year, about 50 Police Officers also participated in an international workshop on human trafficking. The GIS, with support from UNICEF and IOM have trained a number of immigration officers across the country in data collection, personal identification registration systems and in-depth passport verification to better detect fraud, particularly in cases of suspected human trafficking.

204. A number of public education and awareness campaigns have been carried out by AHTU, MoGCSP and the IOM. In 2012 MoGCSP collaborated with a local NGO to educate 500 communities in the Kraboa-Coaltar District of the Eastern Region on the dangers of human trafficking. The Ministry also worked with the Police and IOM to air anti-human trafficking radio programmes in the Upper East, Eastern, and Greater Accra Regions. It also aired human trafficking documentary programs on television.

205. In 2012, AHTU identified about 409 trafficking victims. The Department of Social Welfare also continued with its support of finding a shelter for trafficking victims. In May 2011, 232 Ghanaian law enforcement officials working with agents from INTERPOL carried out a three-part operation against child trafficking. Although some 125 brothels were reported to be operating in Accra, the joint Ghanaian law enforcement officials-

INTERPOL team were able to raid only five. During these raids, authorities removed 55 women and 65 underage female victims, however traffickers were not apprehended.

206. In a second operation during the same period, officials arrested 30 suspected traffickers in the fishing areas on the Volta Lake, leading to the prosecution and conviction of 28 traffickers. Each of the convicted traffickers received a 16-month prison sentence.

207. In a third operation in May 2012, law enforcement officials rescued three children — one from Ghana and two from Burkina Faso — from a cocoa plantation in Tarkwa in the Western Region and arrested a Burkinabe man for alleged child trafficking. His case remains pending before the court.

208. In January 2012, a Ghanaian woman was convicted and sentenced to five years imprisonment for trafficking 11 Ghanaian girls to Nigeria for forced labour and prostitution.

209. To combat these challenges, the Human Trafficking Secretariat has submitted a number of funding proposals to the key donor partners – UNICEF, USAID, and Solidarity Fund of the French Government. The Secretariat has also collaborated with the International Organization for Migration (IMO), the International Labour Organization (ILO) and other local NGOs on various activities to implement the Act for which these organizations have the resources.

Training of all public officials involved in addressing trafficking and measures taken to address the demand for trafficking:

210. A number of public education and awareness campaigns have been carried out by AHTU, MoGCSP and the IOM. In 2012 MoGCSP collaborated with a local NGO to educate 500 communities in the Kraboa-Coaltar District of the Eastern Region on the dangers of human trafficking. The Ministry also worked with the Police and IOM to broadcast anti-human trafficking radio programmes in the Upper East, Eastern, and Greater Accra Regions. It also aired human trafficking documentary programs on television.

211. Capacities of law enforcement officers including the Police, Immigration Service, Customs Exercise and Preventive Service (CEPS) the Navy, the Judiciary and Prosecutors have been built on emerging issues relating to human trafficking cases in the country. Community sensitization and advocacy activities have been carried out.

Shelters for trafficked victims:

212. The Ministry of Gender, Children and Social Protection with support from the Netherlands Embassy has set up two shelters and a third one is being rehabilitated. These shelters have given opportunity to abused women to move out of abusive environments.

Current situation in relation to capital punishment

213. The last time Ghana carried out the execution of prisoners condemned to death was on 17th July 1993. There has not been any execution since then, though capital punishment is still in our statutes i.e. section 294 of the Criminal and Other offences(Procedure) Act, 1960 (Act 30).

214. The crimes punishable by the death penalty according to section 294 of Act 30 include; treason, murder, genocide, high treason and attempted murder. The Constitutional Review Committee has meanwhile recommended the abolishment of death penalty and its subsequent removal from our statutes.

215. Also pursuant to Sections 295 and 312 of the Criminal and other offences (Procedure) Act, 1960 (Act 30), persons under eighteen/18 cannot be sentenced to death for the commission of any of the above offences. The same applies to pregnant women.

Existing kinds of work or service that are an ordinary consequence of a court order

216. The Prison Service as a correctional institution does not hire out inmates to private enterprises. Inmates however do menial jobs like cleaning their own cells and surroundings, splitting of firewood, scrubbing, painting, and white- washing among others. These jobs are done by inmates to keep them active as they serve as forms of exercise.

The right to liberty and security of persons under detention.

217. Article 14(2) of the 1992 constitution of Ghana provides that any person arrested, restricted or detained shall be informed immediately in a language that he understands, of the reasons for his arrest, restriction or detention and of his right to a Lawyer of his choice.

218. Article 14 places a burden on the state to respect human dignity and also provides that no person shall be deprived of his Fundamental Human Rights to freedom except in the execution of a sentence from a court of Competent Jurisdiction. The Service therefore only admits into its custody prisoners who have been lawfully convicted to serve a prison sentence by Courts of Competent jurisdiction and in respect of whom warrants have been issued specifying their offence, date of entry and expected date of release, where applicable.

219. Inmates in Ghana Prisons are therefore treated humanely and their fundamental human rights are respected like any other persons in spite of their incarceration.

The length of detention pending trial and measures to reduce duration of detention

220. Article 14(4) provides that with the exception to offences which are specifically termed as "non-bailable", persons who are remanded in prison custody pending trial should be brought before a court within a "reasonable time"

221. Due to the fact that the term "reasonable time" does not provide specific limits of time, the Prisons Service in collaboration with the Ministry of Justice annually holds a Justice-for-All programme, where remands are essentially interrogated as to whether they have been admitted to bail, where applicable or whether they have been attending trials in court. This is done to ensure that they are not unduly detained.

222. This monitoring of remands pending trial is done by the Para-Legal Unit, established by the Ghana Prisons in collaboration with the British High Commission currently on a pilot basis at the Nsawam medium security Prison and is to be replicated in all prisons.

223. 234. The Unit ensures that detainees whose warrants have expired are reported to the respective police responsible for them, who arrange and send the inmates to the Courts for their speedy trial.

224. 235. In addition to the above, arrangement has been made with the Ministry of Justice for court sessions in some prisons facilities to ensure that detainees whose warrants have expired are tried in the prisons and are either acquitted or sentenced.

Statistics of offences and sentences as at 30th September, 2014

Name of offence	*Total incarceration*
Death Penalty	135
No. of Prisoners under 18 yrs	108
Pregnant Women in custody (2 Convict and 4 Remand)	6
Nursing mothers in custody (1 Convict, 2 Remands)	3
Drug related cases	1,223
Statistics on the No. of Prisoners held on remand and their percentage in relation to prisoners' population	2,751 23% of prisoners population
Armed robbers	2,383
Narcotic offence	1,467
Total Convict Population	11,717
Total Unconvicted Prisoners	3,011
Total Prisoners Population	14,728
No. of Juveniles	107
Foreigners	784

Comments on humane treatment of persons deprived of their liberty

225. The following provisions in the 1992 Constitution of the Republic of Ghana guarantee the dignity of persons in detention:

- Article 12 – Fundamental Human Rights and Freedoms
- Article 13 – Protection of Right to Life
- Article 14 – Protection of Personal liberty
- Article 15 – Respect for human dignity and
- Article 19 – Fair trial.

226. Again, Section 1(3) of the Prisons Service Decree, 1972, NRCD 46 entreats the Service in the performance of its duty to ensure that no person shall be subjected to torture or inhuman or degrading punishment or any other condition that will detract or is likely to detract from his dignity and worth as a human being.

227. Also, Section 1(3)(b) of the Prisons Service Decree, 1972, NRCD 46 states that, a person who has not been convicted of a criminal offence if kept or confined in a prison shall not be treated as a convicted person, and shall be kept away from convicted persons.

228. The Controller-General of Prisons has also put in place both external and internal measures for effective monitoring and supervision of all Prisons establishments.

229. Internally the Service has regulations and policies which direct the Administration of the Service, its officers and inmates. These laws form an integral part of the instructions and training for Prison Officers. For example the Prisons Service Decree 1972, NRCD 46 Prisons Regulations and Prisons Standing Orders of 1960, all have provisions on how to treat inmates humanely. These books are Prisons laws which are strictly enforced hence no officer can take the law into his own hands and or act with impunity. Officers who fall foul of any of these laws are subjected to Disciplinary Proceedings after which they may be sanctioned if found guilty.

230. Externally, the Courts, Prisons Service Council, CHRAJ, Attorney-General's Department and Amnesty International do conduct periodic visits to the Prisons to ascertain the situation on the grounds and publish their findings to encourage the Service to perform within the ambit of the law and to also access assistance from the Government and other stakeholders to improve conditions in the prisons.

231. Furthermore, inmates are allow ! unfettered access to their lawyers and relatives by means of visits, telephone calls and letters which help them to get in contact with the outside world and are encouraged not to hesitate to report any infringement on their rights to the authorities.

232. In the case of measures to remedy problems such as overcrowding, mention could be made of the introduction of courts within the Prisons and Justice for All Programmes coupled with the establishment of Paralegal Units within the Service. Also some prisoners have had to be evacuated from densely populated prisons to the more spacious modern Ankaful Maximum Prison. These interventions have helped in a way to tackle the problem of overcrowding.

233. However, a lot needs to be done as the number of remand prisoners continues to swell up. Some of the structures of Ghana Prisons were established during the colonial era and have not seen any expansion or renovation since then and therefore need urgent attention.

234. With the establishment of Ankaful Maximum Prisons in Elmina, the Service has seen some new infrastructural changes but there is still room for improvement.

235. All the Prison establishments have sick bays/infirmary but they lack the necessary equipment and personnel to handle them. Also inadequate provision of drugs continues to hamper the effective delivery of health care to the inmates.

236. The service is managing well with the provision of inmates ration, though of a fairly balanced nutritional value due to inadequate funds from the government. Government recently increased the feeding rate of inmates but more needs to be done if inmates are to receive balanced diet as required by the UN minimum standards.

237. There are mechanisms put in place to address the misconduct of inmates in the prisons. After receiving complaints, thorough investigations are conducted by the authorities and whoever is found culpable is reprimanded. The guilty party may forfeit part or all of his remission. In a situation where the case involves violence, or is of a criminal nature, the culprit is reported to the police for the law to take its due course.

238. All Prison establishments are mandated to give unfettered access to certain institutions of the state like CHRAJ, Court Visiting Committees, Amnesty International and the Prisons Service Council (both National and Regional) to visit and inspect the Prisons at all times. Durbars and seminars are also organized by the Prisons Administration with inmates in attendance, to express their feelings and to report infractions against them to authorities. There is a well laid down complaint procedure in every Prisons establishment which is vigorously pursued and enforced. Inmates are also allowed to even complain directly to the Controller-General of Prisons during her visits and durbars in the Prisons. Section 22 of the Prisons Service Act, 1972, NRCD 46 outlines the complaint procedures to be adopted by prisoners.

239. The Ghana Prisons Service has well trained and professional officers who have also been given external exposure in the best Prisons practices which helps them to perform their duties in a professional manner.

240. Article 13(1) of the 1992 Constitution of the Republic of Ghana explicitly deals with the deprivation of life under Fundamental Human Rights and Freedoms. It provides that I.

"No person shall be deprived of life intentionally except in the exercise of the execution of a sentence of a court in respect of a criminal offence under the law of Ghana of which he has been convicted".

241. Likewise the same constitution under Article 125(3) stipulates - "The judicial power of Ghana shall be vested in the judiciary accordingly, neither the President nor Parliament nor any organ or agency of the President or parliament shall have or be given final judicial power".

242. In order to give effect to the judicial power section 150 (1d) of the courts Act (Act 459) provides that the High Court shall have jurisdiction to enforce the Fundamental Human Rights and Freedom guaranteed by the constitution. In this regard it is the High Court that usually deals with indictable offences like murder, genocide and treason which is punishable by death.

243. In discussing section 46 of the criminal code that deals with murder it is imperative to take note of the wording of that section in relation to what pertains in other jurisdictions. In the Criminal Code of the Gambia, under chapter VII (35) it stipulates that: "Any person found guilty of the offence termed treason *shall be liable to suffer death*".

244. Then under chapter XIX (188) "Any person convicted of murder *shall be sentenced to death*. The serious question then arises as to why with offence of treason the person *shall be liable to suffer death*" which, in my humble and respectful view is not mandatory but with murder *shall be sentenced to death*".

Measures to prevent arbitrary deprivation of life

245. The High Court is clothed with jurisdiction to deal with cases such as murder, genocide and treason which are punishable by death and creates the avenue for persons who are charged with these offences; these persons are given fair trials by a Judge and Jury or with Assessors. Where the convicted person is dissatisfied he/she can appeal to the Court of Appeal or the Supreme Court.

246. The Judiciary is now automated in which case, trials are done expeditiously and proceedings are assessed without difficulty.

247. The Judiciary under the leadership of her Ladyship the Chief Justice have instituted a Justice for all programme where convicts who have been held in custody without trials are heard in the prisons by Justices of the High Court.

248. Where a person is convicted and sentenced on a case involving murder treason or genocide, the decision of the court is referred to the President of the Republic as enshrined under Article 72(1) of the 1992 Constitution. The President may, acting in consultation with the Council of State:

(a) Grant to a person convicted of an offence a pardon either free or subject to lawful conditions; or

(b) Grant to a person a respite either indefinite or for a specified period, from the execution of punishment imposed on him for an offence; or

(c) Substitute a less severe form of punishment imposed on a person for an offence; or

(d) Remit the whole or part of a punishment imposed on a person or a penalty or forfeiture otherwise due to the Government on account of any offence. It is hoped that Government will seriously consider this recommendation

249. As stated elsewhere in this write up, where the High Court impose a death sentence on a person, the Court informs such convicted person of his right to appeal within 30 days.

250. Where for any reason the accused person is unable to file the appeal within the stipulated time, he/she can file a motion for extension of time within which to appeal.

Statistics of cases

	Cases	*Received*	*Completed*	*Pending*	*Received*	*Completed*	*Pending*	*Relative change*
1	Police Brutality	49	18	31	64	38	26	15
2	Unprofessional handling of cases	133	44	89	202	68	134	69
3	Unlawful Arrest and Detention	25	12	23	47	12	35	12
4	Unfair Treatment	129	56	73	102	52	50	-27
5	Undue Delay of investigation	87	25	62	101	50	51	14
6	Misconduct	113	35	76	113	48	65	-
7	Extortion	24	10	14	45	13	32	21
8	Enlistment fraud	1	-	1	9	1	8	-8
9	Misappropriate withholding of exhibits	10	7	3	21	10	11	11
10	Harassment	40	11	29	35	11	24	-5
11	Causing Harm	-	-	-	1	-	1	1
12	Causing damage	2	1	1	3	2	1	1
13	Fraud	-	-	-	12	5	7	12
14	Indulgence in civil cases	22	4	18	21	6	15	-1
15	Shooting incident	1	-	1	8	2	6	7
16	Stealing	2	2	-	2	1	1	-
17	Unnatural death	-	-	-	2	1	1	2
18	Accident	1	1	-	-	-	-	-1
19	Robbery	2	2	-	-	-	-	-2
20	Desertion	1	1	-	-	-	-	-1
21	Missing service rifle AK47	1	1	-	-	-	-	-1
	Total	**654**	**233**	**421**	**788**	**320**	**468**	
	Percentage	35.6%	63.4%		40.6%	59.4%		

Crime Statistics

251. Comparative analysis of Crime Statistics for the year 2012 and 2013 showed remarkable results:

252. In the year 2013, Police received a total of 220,489 complaints throughout the country. This figure represents a decrease of 3.6 over that of the year 2012 which recorded a figure of 228,653. Out of this total, 210,879 representing 95.6% were registered as true cases; the remaining 9,610 were refused. The cases which were refused were regarded as trivial, civil in nature or false and so did not warrant Police action.

253. Out of the true cases, 30,995 were sent to court for prosecution. At the Court, 9,938 cases representing 32.1% gained conviction whilst 835 were acquitted. At the close of the year 2013, 20,222 cases representing 65.2% of the total number of cases sent to court for prosecutions were awaiting trial. A total of 23,911 cases were closed as undetected whilst 155,973 cases representing 74.0% of the number of true cases were under investigation at the close of the year.

Table shows human rights treaties ratified and domesticated by Ghana and the status of their implementation

Human rights treaties	*Signature*	*Ratification*	*Domestication*	*Reporting Obligation*	*Reports submission*
International Treaties					
International Bill of Human Rights					
International Covenant on Economic, Social and Political Rights (ICESCR)	7 September 2000	7 September 2000	Chapter 6 of the 1992 Constitution	Article 16 of ICESCR	None submitted
Optional Protocol to the ICESCR	24 September 2009	-	-	-	-
International Covenant on Civil and Political Rights (ICCPR)	7 September 2000	7 September 2000	Chapter 5 of the 1992 Constitution	Article 40 of ICCPR	None Submitted
Optional Protocol to the ICCPR	7 Sept. 2000	7 Sept. 2000	-	-	-
Second Optional Protocol to the ICCPR, aiming at the abolition of the death penalty	7 September 2000	7 September 2000	-	Article 3 of 2 Optional Protocol to the ICCPR	None submitted
Prevention of discrimination					
International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)	8 September 1966	8 September 1966	Chapter 5 of 1992 Constitution	Article 9 of CERD	Initial Report submitted 1998; last report submitted in 2002
Women's rights					
Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)	17 July 1980	2 January 1986	Chapters 5 & 6 of the 1992 Constitution	Article 18 of CEDAW	Initial Report due in 1987 not submitted; cumulative 3 4th reports submitted in February 2005
Optional Protocol to the CEDAW	14 February, 2011	3 February, 2011	-	-	-
Protection from torture					
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) Optional Protocol to the CAT (OP-CAT)	7 September 2000	7 September 2000	-	Article 19 of CAT	Due in 2001, 2005, 2009. Initial Report submitted in 2009
Rights of the child					
Convention on the Rights of the Child (CRC)	29 January, 1990	5 February, 1990	Children's Act, 1998 (ACT 560)	Article 44 of CRC	Initial Report due in 1992 submitted in 1995; 2 report due in 1997 submitted in 2007

Human rights treaties	*Signature*	*Ratification*	*Domestication*	*Reporting Obligation*	*Reports submission*
Optional Protocol to the CRC on the involvement of children involved in armed conflict	24 September 2003	-	-	-	-
Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour	Not signed	13 June 2000	Children's Act, 1998 (Act 560)	-	-
Optional Protocol to the CRC on the sale of children, child prostitution and child pornography	24 September 2003	-	-	-	-
Convention on the Rights of Persons with Disabilities (CRPD)	30 March 2007	31 July 2012	Persons with Disability Act, 2006 (Act 715)	Article 35 of CRPD	None submitted
International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families		7 September 2000			
Regional Treaties					
African Charter on Human and Peoples' Rights (ACHPR)		Accessed on 24 January, 1989	Chapters 5 & 6 of the 1992 Constitution	Article 62 of ACHPR	First submission in 1992 Cumulative 2 3rd submitted in March 2000
Optional Protocol to the ACHPR on the Rights of Women in Africa (the Maputo Protocol)	31 October 2003	13 June 2007	Chapters 5 & 6 of the 1992 Constitution	Article 43 of ACRWC	None submitted
African Charter on Rights and Welfare of the Child	18 August 1997	10 May 2005	Children's Act, 1998 (Act 560)	Article 43 of ACRWC	None submitted
Protocol to the ACHPR on the Establishment of an African Court on African Court on Human People's Rights	9 June 1998	25 August 2004	-	Article 31 of Protocol	Initial Report submitted in 1992, last report submitted in September 1998